TITLE 15

BUILDINGS AND CONSTRUCTION

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DIVISION I. TECHNICAL CODES CHAPTER 15.02 GENERAL PROVISIONS

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This title shall be known, cited and referred to as the Indian Head Park building code (Ord. 82-4 § 1 (A)

15.20.020 Purpose.

The purpose of this code is to provide the rules and regulations of the Village of Indian Head Park for all matters concerning the erection, construction, alteration, addition, removal, demolition, use and occupancy of buildings and structures; and to provide for the payment of fees and the inspections of such buildings and structures. (Ord. 82-4 § 1 (B)

15.20.030 References to "building official," "municipality" and city.

- A. Any reference in adopted codes in this title or in this code to the "building official" shall be read as meaning the Indian Head Park trustee designated as building code enforcer.
- B. Any reference in such codes to the "municipality" or "city" shall mean the Village of Indian Head Park. (Ord. 82-4 § 1 (C)

15.02.040 Hours of construction.

Construction activity subject to the conditions of this title shall be restricted to the days and times listed as follows:

Monday through Friday seven a.m. to seven-thirty p.m. Saturday and Sunday eight a.m. to five p.m.

(Ord. 89-7)

15.02.050 Conflict with zoning code.

In the event that any provision of this code, or the BOCA Basic or National Electric Codes as adopted by this code, is in conflict with any provision of the Indian Head Park Zoning Code of 1964 or any amendment thereto, this code shall prevail and the conflicting provision of the zoning code shall be of no effect. (Ord. 82-4 § 11 (B)

15.02.060 Pending litigation.

Nothing in this code hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred, nor any cause or causes of action incurred or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this code. (Ord. 82-4 § 11 (D)

CHAPTER 15.04 BUILDING CODE

Sections:

15.04.010 Adopted.

15.04.020 Insertions, additions and deletions to B.O.C.A.

15.04.030 Filing of code.

15.04.040 Additional requirements.

15.04.010 Adopted.

Pursuant to authority granted by the General Assembly of the State of Illinois under the Municipal Adoption of Codes and records Act (50 ILCS 220/0.01 et seq.), there is adopted by reference, as the rules and regulations of the Village of Indian Head Park, the provisions of the BOCA National Building Code/1999 of the Building Officials Code Administrators International, Inc. (Ord. 97-6 § 2 (A): Ord. 94-14 § 2 (A); Ord. 90-25 § 1 (part): Ord. 84-8 § 2 (A. Ordinance #2010-10.

15.04.020 Insertions, additions and deletions to B.O.C.A.

The following insertions, additions and deletions to the B.O.C.A. National Building Code/1999 are also adopted to indicate the applicability of the code to the "Village of Indian Head Park", Cook County, state of Illinois:

- A. In Section 101.1 on Page 1, insert the "Village of Indian Head Park" in place of "Name of jurisdiction."
- B. Insert in Section 112.3.1, Page5, Line 5, "refer to Chapter 15.36 of the Indian Head Park Village Municipal Code for Fees and Charges."
- C. Delete whole paragraph in Section 1116.4, Page 6, and insert the words "refer to Chapter 15.18 on penalties for violation, Indian Head Park Municipal Code."
- D. Insert in the fourth and fifth lines of Section 117.2, Page 6, at two locations, "two hundred dollars" and "one thousand dollars."

- E. Delete Section 121.0 on means of appeals in its entirety.
- F. Delete Section 421.0 on swimming pools, in its entirety, and insert "Refer to existing Indian Head Park Municipal Code, Chapter 15.21."
- G. Chapter 29 on plumbing system shall apply only for items not covered by Chapter 15.10 of the Building Code of the Village of Indian Head Park, and the Illinois Plumbing Code.
- H. Delete Section 3102.0 on signs in its entirety and insert, "The provisions of the Village of Indian Head Park Municipal Code, Sign Code (Chapter 15.12 thereof) and other applicable provisions shall apply." (Ord. 97-6 § 2 (B): Ord. 94-14 § 2 (B): Ord. 90-25 § 1 (part): Ord. 89-26 § 1; Ord. 88-4 § 1; Ord. 88-3 § 1 (B): Ord. 84-8 § 1 (B): Ord. 82-4 § 2 (B)

15.04.030 Filing of code.

Three copies of the B.O.C.A. Building Code shall be filed in the office of the Village Clerk and are there kept available for public use, inspection and examination. (Ord. 90-25 § 2 (C) Ord.82-4 § 2 (C)

15.04.040 Additional requirements.

The following provisions shall be required in addition to the provisions of the B.O.C.A. National Building Code/1999:

- A. Each building to be erected shall be individually designated for best utilization of the natural contours of the lot upon which it is built, and to lend architectural variety and interest to the surrounding neighboring residences within the general architectural concepts of the community as a whole.
- B. Construction of buildings and grading of land contours must be in conformance with provisions set forth in Chapter 15.28, Flood Hazard Protection, as amended.
- C. All central heating units shall be operated by electricity, gas or oil.
- D. Building to grade elevations must be defined. A detailed grade plot may be required if warranted by topography of lot. In general, the regular contour of the land should be adhered to.
- E. An eighteen-inch culvert and temporary driveway must be installed before construction starts. The finished culvert should extend three-feet to either side of the finished driveway.
- F. Damage to culvert ends must be corrected before the road bond will be refunded.
- G. A buffalo box is required at the connection to the Village water main.
- H. Application for building permit is outlined in Chapter 15.32. Applicant must also furnish the following information from a real estate tax bill:

- 1. Volume number;
- 2. Item number;
- 3. Permanent index number. (Ord. 90-25 § 1 (D); Ord. 88-3 § 1 (D): Ord. 82-4 § 2 (D)

CHAPTER 15.08

ELECTRICAL CODE

Sections:

15.08.010 Adopted.

15.08.020 Changes to code.

15.08.030 Copies of code on file.

15.08.010 Adopted.

The National Electric Code of 2002 is adopted by reference as the electrical code of the Village. (Ord. 97-7 § 1: Ord. 88-1). Ordinance #2010-10.

15.08.020 Changes to code.

Any additions, insertions, deletions or changes to the code adopted by reference shall be made by ordinance duly enacted by the Board of Trustees of the Village. (Ord. 88-1 § 2)

15.08.030 Copies of code on file.

Three copies of the National Electric Code of 1987 adopted by reference in this chapter shall be filed in the office of the Village Clerk and kept available for public use, inspection and examination. (Ord. 88-1 § 3). Ordinance #2010-10.

CHAPTER 15.09

FIRE PROTECTION AND LIFE SAFETYCODE

Sections:

15.09.010 Adopted.

15.09.020 Permits – Approval of fire protection district officer required.

15.09.010 Adopted.

- A. The more rigid provision of the 1976 A.I.A. Fire Prevention Code with November 1982 amendments, and the 1996 N.F.P.A. No 101 Life Safety Code shall be enforced as the fire protection and life safety code of the Village of Indian Head Park.
- B. Such codes shall be supplemented by the Fire Prevention Ordinance 1985-1, as amended, as adopted by the Board of Trustees for the

Pleasantview Fire Protection District on March 12, 1985. (Ord. 89-5 § 1 9 (A)

15.09.020 Permits – Approval of fire protection district officer required.

- A. Permits for new construction, remodeling or occupancy within the corporate boundaries of Pleasantview Fire Protection District, issued by the Village, shall bear the written approval of the responsible officer of the Pleasantview Fire Protection District.
- B. Those permits required to bear the approval of the Pleasantview Fire Protection District shall be limited to the land uses described as follows: single-family attached, multiple family, commercial or industrial. (Ord. 89-5 § 1 (B), (C)

CHAPTER 15.10 PLUMBING CODE

Sections: 15.10.010 Adopted.

Pursuant to authority granted by the General Assembly of the State of Illinois under the Municipal Adoption of Codes and Records Act (50 ILCS 220 et seq.) there is adopted by reference, as the rules and regulations of the Village of Indian Head Park, the provisions of the 2004 State of Illinois Plumbing Code. (amended by Ordinance #2010-10).

Permit Required. Plumbing work may be included in general construction permits. Application for a permit. An application for a permit for plumbing work shall be made in such written form as the Village prescribes and shall be accompanied by the following construction documents. (1) floor plans which indicate the entire plumbing system, including plumbing fixtures, drains, soil, waste, vent, downspout pipe, building drain piping, pumps and equipment, and all main water supply pipe, risers and main branch lines within the building; (2) one or more vertical elevations or diagrams, shall be provided which shall show the soil, waste and vent piping on each stack and water distribution branch piping on each riser. Units of the domestic water supply system that cannot be adequately shown on the plan, such as booster facilities, water heating installations, etc. shall be detailed diagrammatically; (3) special equipment, such as filters, condensers, surge and storage tanks, or softeners that will be connected to the building plumbing system, shall be

shown in detail (4) Site plan. When applicable, a site plan shall also be furnished showing the location and construction details of all water service and sewer connections. Vent stack terminations shall be shown with respect to building ventilation openings that could allow introduction of sewer gases into the building or any adjacent building. (Ord. 2010-10)

Permit Issuance. The Village Administrator or his/her designee shall review the application for permit compliance with the requirements of this chapter. A permit will be issued when all scopes of work meet applicable codes adopted by the Village. (Ord. 2010-10).

Violations. Any person who shall violate a provision of the Illinois Plumbing Code adopted herein by reference, or shall fail to comply with any of the requirements of this code or shall erect, construct, alter or repair any plumbing in violation of this provisions shall be fined not less than \$100.00 and not more than \$750.00. Each day that a violation continues after notice has been served may be deemed a separate offense. (**Ord. 2010-10**).

CHAPTER 15.12 SIGN CODE

Sections: 15.12.010 Short title. 15.12.020 Definitions. Permits required. 15.12.030 Application for erection permit. 15.12.040 Permit issuance. 15.12.050 15.12.060 Permit fees. 15.12.070 Permit revocable at any time. 15.12.080 Unsafe and unlawful signs. Number, date and voltage to be on sign. 15.12.090 15.12.100 Painting required every two years. Wind pressure and dead load requirements. 15.12.110 15.12.120 Removal of certain signs. 15.12.130 Exemptions. 15.12.140 Bond requirements. 15.12.150 Obstructions to doors, windows or fire escapes. 15.12.160 Signs not to constitute traffic hazard. 15.12.170 Goose-neck reflectors. 15.12.180 Spotlights and floodlights. 15.12.190 Illumination. 15.12.200 Ground signs.

- 15.12.210 Wall signs.
- 15.12.220 Projecting signs.
- 15.12.230 Temporary signs.
- 15.12.240 Marquees.
- 15.12.250 Nonconforming signs.
- 15.12.260 Revocation of permits.
- 15.12.270 Violation Penalty.
- 15.12.010 Short title.

The ordinance codified in this chapter shall hereafter be known and cited as the "sign regulations." (Ord. 80-9 § 1).

15.12.020 Definitions.

As used in this chapter, unless the context otherwise indicates:

- "Erect" means to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.
- "Facing" or "surface" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- "Illuminated sign" means any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- "non-combustible material" means any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.
- "non-commercial advertising" means advertising which does not direct attention to a business, commodity, service, entertainment, or attraction sold or offered for sale.
- "Other advertising structure" means any marquee or street clock as further defined in this chapter.
- "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.
- "Sign" means and includes every sign, billboard, ground sign, wall sign, illuminated sign, projecting sign, temporary sign, marquee, and street clock, and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is place out of doors in view of the general public.

"Structural trim" means the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure. (Ord. 82-2 § 2; Ord. 80-9 § 2)

15.12.030 Permits required.

It is unlawful for any person to erect, repair, alter, relocate or maintain within the Village any sign or other advertising structure as defined in this chapter, without first obtaining an erection permit from the Village Clerk and making permit of the fee required by Section 15.12.060. The advertisement contained on any sign shall pertain only to the business or pursuit conducted on or within the premises on which such sign is erected or maintained, unless the advertisement is of a noncommercial nature. In addition to the provisions contained in this chapter, the erection and maintenance of signs is governed by the zoning ordinance (64-1) of the Village, as amended. All illuminated signs shall, in addition, be subject to the provisions of the National Electrical Code. (82-2 § 1 (part): Ord. 80-9 § 3)

15.12.040 Application for erection permit.

Application for erection permits shall be made upon blanks provided by the Village Clerk, and shall contain or have attached thereto the following information:

Name, address and telephone number of the applicant;

- A. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;
- B. Position of the sign or other advertising structure in relation to the nearby buildings or structures;
- C. Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- E. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter.
- F. Name of person, firm, corporation or association erecting structure;
- G. Written consent of the owner of the building, structure or land to which or on which the structure is to be erected;
- H. Any electrical permit required and issues for the sign;
- I. Insurance policy or bond as required by Section 15.12.140;
- J. Such other information as the building inspector shall require to show full compliance with this and all other laws and ordinances.

15.12.050 Permit issuance.

It shall be the duty of the building department, upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all other laws and ordinances of the Village, an erection permit may be issued by the Village Clerk. If the work authorized under an erection permit has

not been completed within six months after date of issuance, the permit shall become null and void. (Ord. 80-9 § 5)

15.12.060 Permit fees.

Every applicant, before being granted a permit under this chapter, shall pay to the Village Clerk the following annual permit fee for each face of every sign or other advertising structure regulated by this chapter. A plan review fee of \$275.00 is also required in addition to fees per square footage of signage for new proposed signage. (amended by Ordinance #09-4)

All signs requiring a permit other than temporary signs \$3.50 per square foot

Temporary signs – \$50.00 allowed twice per year. Each temporary sign permitted for a maximum of not more than (60 days). Sign Permit Bond \$1,000

Every permit issued under this chapter shall be renewed on or before July 1st each each. (Ord. 83-20 § 1: Ord. 82-2 § 1 (part): Ord. 80-9 § 6)

15.12.070 Permit revocable at any time.

All rights and privileges acquired under the provisions of this chapter or any amendment thereto, are mere licenses revocable at any time by the Village Board of Trustees, and all such permits shall contain this provision. (Ord. 80-9 § 7)

15.12.080 Unsafe and unlawful signs.

If the building inspector finds that any sign or other advertising structure regulated by this chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards set forth in this chapter within ten days after such notice, such sign or other advertising structure may be removed or altered to comply, by the building inspector, at the expense of the permittee or owner of the property upon which it is located.

The building inspector shall refuse to issue a permit or any permittee or owner who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. (Ord. 80-9 § 8)

15.12.090 Number, date and voltage to be on sign.

Every sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of

erection, the permit number and the voltage of any electrical apparatus used in connection therewith. (Ord. 80-9 § 9)

15.12.100 Painting required every two years.

The owner of any sign as defined and regulated by this chapter shall be required to properly paint such sign at least once every two years all part and supports of the said sign, unless the same are treated to prevent deterioration. (Ord. 80-9 § 10)

15.12.110 Wind pressure and dead load requirements.

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty pounds per square foot of area; and shall be constructed to receive dead loads as required in the building code of the Village as from time to time amended, or other ordinances of the Village. (Ord. 80-9 § 11)

15.12.120 Removal of certain signs.

Any sign now or hereafter existing which does not advertise a bona fide business conducted, a product sold, or pursuit conducted on or within the premises, or presents a bona fide non-commercial message, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or premises upon which such sign is erected or maintained within ten days after written notification from the building inspector, and, upon failure to comply with such notice within the time specified in such order, the building inspector is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or premises upon which such sign is erected or maintained. (Ord. 82-2 § 1 (part): Ord. 80-9 § 12)

15.12.130 **Exemptions.**

The provisions and regulations of this chapter shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of Section 15.12.080:

- A. Real estate signs exceeding eight square feet in area which advertise the sale, rental or lease of the premises upon which the signs are located only;
- B. professional name plates not exceeding one square foot in area;
- C. Signs painted on the exterior surface of a building or structure; provided, however, if the signs have raised borders, letters, characters, decorations or lighting appliances, they shall be subject to the provisions of Section 15.12.210 and all applicable provisions of this chapter;
- D. Bulletin boards not over eight square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions;
- E. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen square feet in area;

- F. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two square feet in area;
- G. Memorial signs or tablets, names of buildings and dates or erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials:
- H. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or such signs as may be approved by the Village Board of Trustees.
- I. Temporary political signs on residential property posted prior to an election. Such signs shall be located entirely on private property pursuant to the consent of the owner and shall be removed within seven days after the election. (Ord. 92-5 § 1: Ord. 82-2 § 1 (part); Ord. 80-9 § 13)

15.12.140 Bond requirements.

Every applicant for a permit referred to in this chapter shall, before the permit is granted, file with the Village Clerk a continuing bond in the penal sum of five hundred dollars, executed by the applicant and a surety company to be approved by the Village and conditioned for the faithful observance of the provisions of this chapter and all amendments thereto, and of all laws and ordinances relating to signs and other advertising structures, and which shall indemnify and save harmless the Village from any and all damages, judgements, costs or expense which the Village may incur or suffer by reason of the granting of said permit.

Any person lawfully maintaining a sign or other advertising structure regulated by this chapter at the time of the enactment of the ordinance codified in this chapter shall, within thirty days after said enactment, comply with all the provisions set forth in this section. A liability insurance policy, issued by an insurance company authorized to do business in the State of Illinois conforming to this section, may be permitted in lieu of a bond (Ord. 80-9 § 14)

15.12.150 Obstructions to doors, windows or fire escapes.

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape. (Ord. 80-9 § 15)

15.12.160 Signs not to constitute traffic hazard.

No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop", "look", drive-in", "danger" or any other word, phrase, symbol or character in such manner as to interfere with,

mislead or confuse traffic. A sign in direct line of vision of any traffic signal shall not have red, amber or green illumination. (Ord. 80-9 § 16).

15.12.170 Goose-neck reflectors.

Goose-neck reflectors and lights shall be permitted on ground signs and wall signs; provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property (Ord. 80-9 § 17).

15.12.180 Spotlights and floodlights.

It is unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights. (Ord. 80-9 § 18).

15.12.190 Illumination.

The illumination of any sign other than projecting signs shall be only during business hours. Where a sign is illuminated by a light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a residential district, nor into a street. (Ord. 80-9 § 19).

15.12.200 Ground Signs.

A. Definition. "Ground sign", as regulated by this chapter, shall include any sign supported by uprights or braces placed upon the ground, and not attached to any building.

B. Construction.

- 1. Materials Required. All ground signs for which a permit is required under this chapter shall have a surface or facing of non-combustible material; provided, however, that combustible structural trim may be used thereon;
- 2. Letters, Etc., to be Secured. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- C. Location.
- 1. Height Limitation. It is unlawful to erect any sign whose overall height, including ornamental base or apron, supports or other structural members, exceeds forty feet above the lowest natural grade level immediately beneath the sign and adjoining the area upon which the support or supports are constructed. In addition, the height of the sign may not exceed thirty feet excluding ornamental base or apron, support and other structural members;
- 2. Space Between Sign and Ground and Other Signs and Structures. Ground signs shall have an open space not less than one foot between the base line of said

sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of any square foot of such open space. No ground sign shall be nearer than two-feet to any other sign, building or structure;

- 3. Setback Line. No ground sign shall be constructed or maintained closer to the edge of any paved street or roadway than the distance equal to the height of the sign (as determined in the manner described in subsection (C) (1) of this section, plus five-feet;
- 4. Not to Mislead, Interfere With, or Confuse Traffic. All ground signs shall conform to the provisions of Section 15.12.160.

D. Erection.

- 1. Bracing, Anchorage and Supports. All ground signs shall be securely built, constructed and erected upon posts and stands sunk a minimum of four feet below the natural surface of the ground, and shall be supported and braced by timbers, or metal rods in the rear thereof, extending from the top thereof to a point in the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected;
- 2. Supports, Etc., to be Creosoted. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
- 3. Wind Pressure and Dead Load Requirements, All ground signs shall conform to the requirements of Section 15.12.110. (E) Premises to be kept free of weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds. (Ord. 96-23 § 1; Ord. 92-1 § 1; Ord. 84-2 § 1; Ord. 82-2 § 1 (part); Ord. 80-9 § 20).
 - F. Surface Area Restrictions for Signs Erected in B-3 Service Business Districts. In B-3 Service Business Districts as established by *Chapter 17.80* of the Village of Indian Head Park Municipal Code, the gross surface area in square feet of all signs on a lot shall not exceed the number of linear feet in the frontage of the lot; and each side of a lot abutting a street shall not exceed the number of lineal feet in such separate frontage. (Amendment to code by Ordinance #97-15).
 - G. Unified Shopping Centers in B3 Service Business Districts. In a unified shopping center in single ownership or control, and located within a B3 Service Business District as established by Chapter 17.80 of the Village of Indian Head Park Municipal Code, one additional sign may be erected in addition to signage already allowed by the provisions of this Chapter. The sign shall not exceed one hundred-twenty square feet in area, its bottom shall be at least one foot above the level of the ground and its overall height shall not exceed thirty feet above the curb level. (Amendment to code by Ordinance #97-15).

15.12.210 Wall Signs

A. Definition. "Wall sign", as regulated by this chapter, shall include all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building, or other structure.

B. Construction.

1. Materials Required. All wall signs for which a permit is required under this chapter shall have a surface or facing of non-combustible material; provided, however, that combustible structural trim may be used thereon.

C. Location.

- 1. Limitation on Placement and Area. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached, and any one wall sign shall not exceed an area of five hundred square feet.
- 2. Projection Above Access-way and Setback Line. No wall sign shall be permitted to extend more than six inches beyond the building line;
- 3. Obstructions to Doors, Windows or Fire Escapes. No wall sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.

D. Erection.

- 1. Supports and Attachment. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts, or expansion screws of not less than three-eighths inch in diameter embedded in said wall at least five inches; provided, however, that such signs may rest in, or be bolted to strong, heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails;
- 2. Wind Pressure and Dead Load Requirements. All wall signs shall conform to the requirements of Section 15.12.110. (Ord. 80-9 § 21).

15.12.220 Projecting signs.

A. Definitions. "Projecting sign", as regulated by this chapter, shall include any sign, which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

B. Construction.

- 1. Materials Required. Every projecting sign, including the frames, braces and supports thereof, shall be designated by a structural engineer, and shall be approved by the building inspector as in compliance with the building code of the Village and by the electrical inspector as in compliance with the electrical code of the Village, and shall be two-faced. If illuminated, signs shall be non-combustible;
- 2. Illumination. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property; and no floodlight or spotlight nor reflectors of the goose-neck type shall be permitted on projecting signs;
- 3. Limitation of Glass. The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semi-transparent non-combustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least one-fourth inch thick and in case any single piece or pane of glass has an area exceeding three square feet, it shall be wired. One section, not exceeding three square feet in area, constructed of reinforced wire glass or safety glass shall be permitted on each side of a sign;
- 4. Movable Parts to be Secured. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains or hinges;
- 5. Area Limitations. Except by special permission of the Village Board of Trustees, projecting signs shall be limited as follows: Projecting signs fifty square feet each side;
- 6. Thickness Limitation. The distance measured between the principal faces of any projecting sign shall not exceed eighteen inches;
- 7. Clearances. A clear space of not less than ten feet shall be provided below all parts of such signs. (Ord. 80-9 § 22).

15.12.230 Temporary Signs.

A. Definitions. Temporary signs as regulated by this chapter shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvass, light fabric, cardboard wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.

B. Construction.

1. Materials and Area Limitations. No temporary sign of combustible material shall exceed four feet in one of its dimensions or one hundred square feet in area, and provided such signs in excess of sixty square feet shall be made of rigid materials, that is, of wall board or other light materials with frames;

2. Approval Required. Every temporary sign must be approved by the building department as conforming to the safety requirements of the building code of the Village and this chapter.

C. Location.

- 1. Projection from Wall and Over Public Property. No temporary sign shall extend over or into any street, alley or access-way a distance greater than four inches from the wall upon which it is erected, and shall not be placed or project over any wall opening.
- 2. Obstruction to Doors, Windows and Fire Escapes. No temporary sign shall be erected, so as to prevent free ingress to or egress from any door, window or fire escape, nor shall such sign be attached to any standpipe or fire escape.
- D. Duration of Permits. Permits for temporary signs shall authorize the erection of the signs and their maintenance for a period not exceeding thirty days; provided; however, that permits for temporary signs shall be limited to two per applicant per year for periods not exceeding thirty days each.
- E. Advertising Permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained or shall be of a non-commercial nature. (Ord. 87-1 § 1; Ord. 82-2 § 1 (part); Ord. 80-9 § 23)

15.12.240 Marquees.

- A. Definition. "Marquee," as regulated by this chapter, shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a private access-way.
- B. Construction.
- 1. Height Above Access-way. No portion of a marquee shall be less than ten feet above the level of the access-way.
- C. Location.
- 1. Height Above Access-way. No portion of a marquee shall be less than ten feet above the level of the access-way.
- D. Erection.
- 1. Bracing, Anchorage and Supports. Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefore.

E. Signs Attached to Marquee. Signs attached to, or hung from a marquee shall be completely within the borderline of the marquee outer edge, and shall in no instance be lower than ten feet above the access-way. No sign or advertising material shall exceed five feet in height exclusive of the name of the establishment exhibiting such marquee. No advertising material shall be placed upon the roof of any marquee. (Ord. 80-9 § 24).

15.12.250 Non-conforming Signs.

Every sign or other advertising structure in existence on adoption of the ordinance codified in this chapter which violates or does not conform to the provisions of this chapter, shall be removed, or altered, or replaced so as to conform to the provisions of this chapter within two years. The requirements of Section 15.12.140 shall be complied with in all cases. (Ord. 80-9 § 25).

15.12.260 Revocation of Permits.

The building department is authorized and empowered to revoke any permit upon failure of the holder thereof to comply with any provision of this chapter. (Ord. 80-9 § 26).

15.12.270 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one thousand dollars. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 80-9 § 27).

CHAPTER 15.16 PROPERTY MAINTENANCE CODE

Sections:

15.16.010 Adopted.

15.16.020 Amendments.

15.16.010 Adopted.

A certain document, three copies of which are on file in the office of the Village Clerk being marked and designated as "The BOCA National Property Maintenance Code 1996" as published by the Building Officials and Code Administrators International, Inc., is adopted as the property maintenance code of the Village for the control of buildings and structures as provided in this chapter and each and all of the regulations, provisions, penalties, conditions and terms of such BOCA

National Property Maintenance Code are referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.16.020. (Ord. 97-7 § 1 (B) (part): Ord. 90-26 § 2).

15.16.020 Amendments.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- A. Section PM 100.1 (page 1, second line) insert: "Village of Indian Head Park."
- B. Section PM 106.2 (page 2, second line from bottom) insert: "\$100 nor more than \$500."
- C. Section PM 111 (pages 4 and 5): delete in its entirety.
- D. Section PM 304.15 (page 11, fifteenth line) insert: "From January 1 to December 31."
- E. Section PM 602.2.1 (page 17, twenty-first line) insert: "From September 1 to May 1."
- A. Section PM-602.3 (page 17, fifth line from the bottom) insert: "From September 1 to May 1."
- B. PM -702.1 is adopted an reads as follows:

FIRE PROTECTION DISTRICT CODES. THE FIRE SAFETY CODES INDICATED IN ARTICLE 7 SHALL BE SUPPLEMENTED BY THOSE CODES AND REGULATIONS AS ADOPTED BY THE PLEASANTVIEW FIRE PROTECTION DISTRICT. IN CASE OF ANY CONFLICT, THE MORE RESTRICTIVE CODE SHALL GOVERN. (ORD. 97-7 § 1 (B) (part): Ord. 90-26 § 2)

CHAPTER 15.17 ENERGY CONSERVATION CODE

15.17.10 International Energy Conservation Code Adopted

The provisions of the International Energy Conservation Code (2009 Edition), as amended, published by the International Code Council is hereby adopted by reference as the energy conservation code of the Village, as if fully set forth in this section, with the additions, deletions and amendments set in Section 15.17.020.

15.17.20 Amendments to International Energy Conservation Code

The following sections of the International Energy Conservation Code (2009 Edition) are hereby revised as follows: 108.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$750.00. (Ordinance #2010-10).

Violations

Any person who shall violate a provision of the International Energy Conservation Code (2009), adopted herein by reference, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair any residential or commercial building in violation a provision of the International Energy Conservation Code (2009 Edition), shall upon conviction be fined not less than \$100.00 and not more than \$750.00. Each day that a violation continues after notice has been served may be deemed a separate offense. (Ordinance #2010-10).

Filing of Codes with Clerk

Not less than (3) copies of each of the Illinois Plumbing Code and the International Energy Conservation Code (2009 Edition) shall be filed and kept in the Office of the Village Clerk and shall be made available for public use, inspection and examination. (Ordinance #2010-10).

Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with these ordinance revisions and additions are repealed, insofar as a conflict may exist. (Ordinance #2010-10).

Severability

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision is severable, unless otherwise provided by Ordinance. (Ordinance #2010-10).

DIVISION II. SPECIFIC CONSTRUCTION REGULATIONS CHAPTER 15.20 DUMBWAITERS, ESCALATORS, PLATFORM LIFTS AND ELEVATORS

Sections:

15.20.010 Inspection required.
15.20.020 Certification of inspection.
15.20.030 Improper safety devices.
15.20.040 Suspension of operation.
15.20.050 Inspection fees.
15.20.060 Violation – Penalty.
15.20.010 Inspection required.

Every elevator, movable stage, movable orchestra floor, platform lift, dumbwaiter or escalator now in operation, or which may hereafter be installed, together with the hoistway and all equipment thereof shall be inspected by the designated elevator inspector at least once every six months, and in no case shall any new equipment be placed in operation until an inspection of the same has been made.

It shall be the duty of every owner, agent, lessee or occupant of any building wherein any such equipment is installed, and of the person in charge or control of any such equipment, to permit the making of a test and inspection of, such elevator, dumbwaiter or escalator, and all devices used in connection therewith, upon demand being made by the elevator inspector, within five days after such demand has been made. (Ord. 90-27 § 2).

1.1.20 Certification of inspection.

Whenever any elevator, movable stage, movable orchestra floor, platform lift, dumbwaiter or escalator has been inspected and the tests herein required shall have been made of all safety devices with which such equipment is required to be equipped, and the result of such inspection and the tests shows such equipment to be in good condition and in good repair, it shall be the duty of the elevator inspector to issue or cause to be issued a certificate setting forth the result of such inspection and tests containing the date of inspection, the weight which such equipment will safely carry, and a statement to the effect that the shaft doors, hoistway and all equipment, including safety devices, comply with all applicable provisions of the building code of the Village, upon payment of the inspection fee required by building provisions of the building code and this chapter. It shall be the joint duty of the owner, agent, lessee or occupant of the building in which such equipment is located and of each person in charge or control of such equipment to frame the certificate and place the same in a conspicuous place in each elevator and near each dumbwaiter, movable stage, movable orchestra floor, platform lift, or escalator.

The words "safe condition" in this section means that it is safe any load to the approved weight named in such certificate. (Ord. 90-27 § 3).

Improper safety devices.

Where the result of such inspection or tests shall show that such elevator, movable stage, movable orchestra floor, platform lift, dumbwaiter, or escalator is in an unsafe condition, he shall immediately report the same to the elevator inspector in charge, who shall report it to the building code enforcement officer, together with a statement of all the facts relating to the condition of such equipment.

It shall be the duty of the building code enforcement officer upon receiving from the elevator inspector in charge a report of the unsafe condition of such equipment and hatchway, including doors, to order the operation of such equipment to be stopped and remain in-operative until it has been placed in a safe condition, and it is unlawful for any agent, owner, lessee, or occupant of any building wherein any such equipment is located, to permit or allow the same to be used after the receipt of a notice, in writing, that such equipment is in unsafe condition, and until it has been restored to a safe and proper condition as required by the building provisions of the building code. (Ord. 90-27 § 5).

15.20.040 Suspension of operation.

Whenever any elevator inspector finds any elevator of dumbwaiter, its equipment and hatchway, including doors, or any escalator, movable stage, movable floor, or platform lift in an unsafe condition, he shall immediately report the same to the elevator inspector in charge, who shall report it to the building code enforcement officer, together with a statement of all the facts relating to the condition of such equipment. It shall be the duty of the building code enforcement officer upon receiving from the elevator inspector in charge a report of the unsafe condition of such equipment and hatchway, including doors, to order the operation of such equipment to be stopped and remain in-operative until it has been placed in a safe condition, and it is unlawful for any agent, owner, lessee, or occupant of any building wherein any such equipment is located, to permit or allow the same to be used after the receipt of a notice, in writing, that such equipment is in an unsafe condition, and until it has been restored to a safe and proper condition as required by the building provisions of the building code. (Ord. 90-27 § 5).

15.20.050 Inspection fees.

The fee for the inspection and re-inspection for any elevator, movable stage, platform lift, dumbwaiter or escalator shall be provided as follows: (Ord. 90-27 § 6).

(Fees amended by Ordinance #09-4. Also fees incorporated in Title 3 Revenue).

Inspection fee: \$200.00 Re-inspection fee: \$200.00

15.20.060 Violation – Penalty.

Any person violating any provision of this chapter shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense, and a separate offense shall be deemed committee on day during or on which a violation occurs or continues. (Ord 90-27 § 7).

CHAPTER 15.21 SWIMMING POOLS

Sections:

5.21.010	Compliance required.
5.21.020	Definitions.
5.21.030	Permitted when - Conditions.
5.21.040	Permit required - Fee.
5.21.050	Application.
5.21.060	Design and construction standards.
5.21.070	Safety precautions.
5.21.080	Inspection.
5.21.090	Non-conforming structures.
5.21.100	Inflatable pools.

Incorporated as a reference only: (Chapter 17.12.120, Fences – are prohibited except as follows: (A) Those required for safety as determined and upon such terms and conditions as may be imposed following the procedures for variations in this title; or (B) On residential lots located immediately adjacent to or separated only by a street or public highway right-of-way from a lot or parcel designated and zoned under a business district designation under Section 17.28.110 (B) of this code, but only upon the following conditions:

That the fence shall be constructed only along and within five-feet of the boundary of said lot which is adjacent to (or separated only by a street or public right-of-way from) the lot or parcel designated and zoned under a business district designation, that the fence shall be no more than eight-feet (8') in height.

1.1.10 Compliance required.

Every private residential or public swimming pool constructed, installed and maintained in the Village, shall comply with all applicable provisions of this chapter. (Ord. 82-4 § 5 (A) (1).

15.21.020 Definitions. As used in this chapter:

"Class 1 swimming pool" means a swimming pool used in conjunction with a single family detached residence and constructed on the same R-1, R-2, R-3 or R3A zoning lot as the principal building, used and intended to be used by the owner or occupant, his family and guests.

"Class 2 swimming pool" means a swimming pool constructed or installed for the purpose of swimming, including public pools for community use, pools at apartments, condominiums, hotels, motels and other groups as associations having two or more living units located on the same zoning lot.

"Other pools" means and includes whirlpools, spas, hot tubs, jacuzzis, therapy pools, soakers, and other similar structures that have a water surface area less than eighty square feet measured at normal operating levels and shall be considered swimming pools. Such "other pools" shall be required to have safety covers securely affixed at all times when the pool is not in use.

"Swimming pool" means a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet and a surface area exceeding twenty-five square, installed above ground or sub-surface, indoors or outdoors, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, constructed, installed and maintained in or above ground inside or outside of a building. (Ord. 90-7 § 1; Ord. 90-5 § 1; Ord. 84-20 § 1 (part): Ord. 82-4 § 5 (A) (2).

15.21.030 Permitted when - Conditions.

A. Class 1 swimming pools shall be permitted in single family residential zones only. No portion of the pool shall be located less than ten feet from a side or rear lot line. Pools and appurtenant equipment shall not be permitted in any front yard.

B. Only in-ground outdoor swimming pools shall be permitted in single family residential zoned lot(s) and under no circumstances shall the normal water level in such pool (s) be higher than one foot above the lowest natural grade level immediately adjacent to the pool and the adjoining area beneath the apron or deck surrounding such pool(s).

- C. No new outdoor above ground swimming pool shall be permitted. Indoor above ground swimming pool(s) in single family residential zoned lot(s) shall be permitted provided such pool (s) are installed in a permanent enclosed structure attached to and made an integral part of the principal building and lot (s).
 - D. Receptacles meeting the definition of other pools may be constructed above ground subject to the following conditions:
 - 1. The above ground receptacle shall be wholly constructed within a deck. Such deck shall be attached to the principal structure located on the lot.
 - 2. Such deck shall be designed to screen and enclose the exterior walls of the receptacle. (Ord. 90-5 § 2; Ord. 84-20 § 1 (part); Ord. 82-4 § 5 (A) (4).

15.21.040 Permit required – Fee.

It is unlawful to proceed with the construction, installation, enlargement or alteration of any pool unless permits shall have first been obtained from the Village. Requirements covering inspections are in accordance with Section 15.21.080, titled Inspection. Requirements covering fees and charges are in accordance with Section 15.26.010. (Ord. 82-4 § 5 (A) (4).

1.1.50 Application.

- A. All drawings and plans for the construction, installations, enlargement or alteration of any pool and appurtenances for which a permit is required shall be presented to the building department for examination and approval as to proper location, construction and use.
- B. Each application shall be accompanied by two sets of plans, drawings and specifications signed and stamped by an architect licensed to practice architecture as provided by the Illinois Architectural Act, or by a structural engineer licensed to practice structural engineering as provided by the Illinois Structural Engineering Act. C. All plans and drawings shall be drawn at a scale of not less than one quarter of
- an inch to the foot on paper, in ink or by some process that will not fade or obliterate.
- D. All distances and dimensions shall be accurately figured and drawings made explicit and complete showing the lot lines, distance from the residence(s) and including information pertaining to the pool, walk and fence construction, water supply system, drain and water disposal systems, and all appurtenances pertaining to the pool. Detailed plans and vertical elevations shall also be provided.
- E. All pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. (Ord. 82-4 § 5 (A) (5).

15.21.050 Design and Construction Standards.

A. Materials. Pool walls and floor shall be constructed of an impervious material which will provide a tight tank with light-colored finish and easily cleaned surfaces. Pool floor shall have a smooth, non-slip finish. Pool walls and floors that are lined

with a plastic liner shall be constructed of reinforced concrete, steel or other approved materials and shall have an impervious finish. Walk areas shall be constructed of impervious materials and surfaces shall be easily cleaned and of smooth, non-slip construction.

- B. Design. Pools shall be designed to withstand the water pressure from within and to resist the pressure of the earth when the pool is empty. Pool walls may be either vertical or have a gentle slope or curvature. Pool floors at the shallow end (water less than five-feet deep) shall have a slope not exceeding one foot in eight feet.
- C. **Walk Areas**. Unobstructed walk areas not less than thirty-six inches in width shall be provided to extend entirely around the pool. Walk area shall be constructed of materials hereinbefore called for, and shall have a slope of one-fourth inch per foot to drains, or away from the pool walls so as to prevent back drainage from entering the pool.

D. Fences.

1. All pools shall be completely enclosed by a fence erected along the periphery of the pool walk or terrace area. All fence openings or points of entry into pool area enclosure shall be equipped with gates. Fence and gates shall be a minimum of four feet six inches (4' 6") in height at walk grade level, and shall be constructed of a minimum number nine gauge woven wire mesh or other corrosion-resistant material approved by the building inspector. All gates shall; be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be adequately braced below grade.

The fence must be installed and approved prior to filling the pool beyond fifty percent (50%) of its total volume.

2. In no case shall the required safety fence for a single family residence be located more than twelve feet from the pool wall. Steps or Ladders.

Two or more means of egress hall be provided. The deep end shall be furnished with an anchored ladder equipped with handrails while steps or stairway shall be furnished at the shallow end.

Skimmers and Overflow Gutters.

Pools shall be provided with either skimming devices or overflow gutters.

1. Overflow gutters shall extend around the entire perimeter of the pool. Overflow gutters shall be of the open, rollover or semi-recessed type having a smooth finish. The lip or overflow edge shall be level. The overflow gutters shall have a minimum depth of four inches, overflow gutter bottom shall pitch to drains at nor less than one-fourth-inch per foot.

Drains shall be spaced at a minimum of fifteen feet on centers. Drain pipe lines shall be three inches diameter with indirect connections to sewer. Grate opening area shall be twice cross-sectional area of pipe.

2. Skimming devices shall be provided for each eight hundred feet of surface area or fraction thereof. Skimmers shall be located at least thirty feet apart, built in

pool wall, and shall adequately remove floating oils and waste and meet the following requirements:

- a. Each skimmer shall be designed for a flow-thru rate of at least thirty gallons per minute and a total capacity of all the skimmers on any pool shall be at least fifty-percent (50%) of the required filter flow of the recirculation system. They shall be automatically adjustable to variations in water level over a range of at least three inches.
- b. An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.
- c. The skimmer shall be provided with a device to prevent air lock in the suction line. **Handholds.**

Handholds shall be provided for all pools and shall consist of a bull-nosed coping not over two and one-half inches thick for the outer two inches or an equivalent approved handhold. The handhold must be no more than nine inches above the normal water line.

Inlets.

Pool water recirculation system inlets shall be located so as to produce so far as possible uniform circulation of water throughout the pool without the existence of dead spots and to carry pool bottom deposits to the outlets, and shall discharge at a minimum depth of ten inches below the pool overflow level. A minimum of one recirculation system inlet shall be provided for every six hundred fifteen square feet of surface area of the pool.

Make-Up Water.

Pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six inches above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge, shall be at least six inches above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixture and the hose connection. The vacuum breaker shall be installed at a height not less than seven feet six inches above the flow, platform or ground upon which a person would stand when operating the sill cock or control valve.

Outlets.

In pool, thirty-feet in width or less, circulation system outlets shall be located so as to provide at least one outlet at the deepest point in the pool. If the pool width is more than thirty feet, multiple outlets shall be provided and spaced not more than thirty feet apart, nor closer than four feet to any wall. All pool drain outlets shall be equipped with gratings not less than four times the cross-sectional area of the outlet pipe.

- 2. The gratings shall be of such design so they cannot be readily removable by bathers and will not injure bather's fingers. One outlet shall be provided for each eight hundred square feet of surface area.
- 3. Pools shall be equipped with facilities with facilities for completely emptying the pool and the discharge of pool water to the sewer shall be at a rate not exceeding one hundred fifty gallons per minute. No direct connection shall be made to the sewer.
- 4. Water drained from the pool shall not be discharged to the sewer system during periods of rains or storms.

Recirculation System and Appurtenances.

Pool recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, together with the necessary pipe connections to the pool inlets and outlets, facilities and pipe connections, necessary for backwashing filters, and facilities and equipment for disinfecting the pool water.

- 1. Every pool shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight.
- 2. The recirculation system pump shall have sufficient capacity to discharge the volume of water required for an eight-hour turnover of the pool against the maximum head in the recirculation system.
- **3.** The pump used for backwashing filters hall have sufficient capacity to provide a filter backwash rate of at least twelve gallons perm minute per square foot of filter area.
- 4. A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to present hair, lint and other extraneous matter from reaching the pump and filters. Hair and lint catchers shall be so designed that they can be easily dismantled for cleaning and inspection ad shall be so located as to be easily accessible for cleaning. The design features shall be as follows: Water passes through the strainer from the outside; the strainer is made of non-corrosive materials; the width or diameter of strainer from the outside; the strainer is made of non-corrosive materials; the width of the diameter of strainer openings is not more than one-eighth inch; the area of the strainer openings shall be at least five times the cross-sectional area of the inlet pipe to the strainer.
- 5. Recirculating systems shall contain rapid pressure filters. Sufficient filter area shall be provided to filter the entire contents of the pool in eighteen hours at the rate of not more than three gallons per square foot of filter area per minute. The filter backwashing facilities shall be sufficient to backwash at a rate of twelve gallons per minute per square foot of filter area. All backwash water and effluents shall be discharged to the sewer through an indirect connection. Pressure filters shall be equipped with readily accessible air relief valves, loss of head or pressure gauges on the inlet and outlet pipes, and an access head or hole large enough to permit inspection, maintenance and repair work. Sight glasses that can be easily removed for cleaning shall be provided in the effluent line from the filter units.
- 6. A recirculation system shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject

to the approval of the building official. Disinfection equipment installed for the use of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of 0.5 parts per million. The disinfectant shall be introduced onto the recirculation system ahead of the filters.

7. Gaseous chlorination systems shall not be made use of as a disinfection method for pool water.

Piping Material.

Plastic pipe may be used for swimming pool piping provided that it meets the standards of the National Sanitation Foundation (NSF) for use with potable water and is so marked on the pipe. Only the following types of plastic pipe will be permitted:

- 1. Polyethylene (Commercial Standard CS 197-54);
- 2. Rigid polyvinyl chloride (PVC);
- 3. Acrylonitrile-butadiene-styrene (ABS) (Commercial Standards CS 218-59 and 219-59):
- 4. Pipe and fittings shall be of one hundred twenty-five pound pressure classification or heavier.

The pressure classification, size and type shall be clearly marked by the manufacturer on each piece of pipe and on each fitting.

Electrical Requirements.

Where conductors are adjacent to pool or moisture area they shall have proper installation. No overhead electrical wires shall be permitted within fifteen feet of the pool. (Ord. 90-5 § 3; Ord. 89-7 § 1; Ord. 82-4 § 5 (A) (6) – (18).

Safety Precautions.

All pools shall be maintained in a clean, safe and sanitary condition. (Ord. 82-4 § 5 (A) (19).

Inspection.

The building or health official may periodically inspect pools to determine whether or not the provisions of this code regarding health, sanitation and safety applicable thereto are being complied with. (Ord. 82-4 § 5 (A) (20).

Non-Conforming Structures.

Pools erected prior to the effective date of the ordinance codified in this title which do not meet the requirements of this chapter of this code shall be made to conform to the provisions of this chapter within sixty days of the effective date of the ordinance codified in this title with the following exception:

A. Previously constructed walks which are adequately drained and have minimum unobstructed width of thirty inches and made of impervious materials shall be allowed;

Previously constructed fences and gates completely enclosing a pool area equipped with self-closing and self-latching devices placed as hereinbefore called for an of materials as noted in Section 15.21.060 shall be allowed, if of a minimum height of forty-two inches (Ord. 82-4 § 5 (A) (21).

Inflatable Pools.

Inflatable pools and other portable or aboveground pools holding water to a depth of over one foot are prohibited. (Ord. 82-4 § 5 (A) (22).

15.21.060 Design and Construction Standards – Fences for Pools

A fence is required to enclose all swimming pools located in the Village of Indian Head Park, Illinois.

All pools shall be completely enclosed by a fence erected along the periphery of the pool walk or terrace area. All fence openings or points of entry into the pool area enclosure shall be equipped with gates.

Fence and gates shall be a minimum of five-feet in height at walk grade level, and shall be constructed of a wrought-iron or aluminum material or other corrosionresistant material approved by the building inspector. The fence shall give the appearance of being a wrought iron fence with vertical fencing sufficiently close so as to prevent a child from passing through the verticals. The fence shall not have spikes or pointed ends on the top of the fence. All gates shall be equipped with selfclosing, child-proof and self-latching devices placed at the top of the gate and made inaccessible to small children, but in no case shall such devices be installed at a height lower than forty-eight inches as measured from grade. All fence posts shall be decay or corrosion resistant and shall be adequately braced below grade. The fence must be installed and approved prior to filling the pool. In no case shall the fence be located more than twelve feet from the pool wall. Heavy screening shall be provided in the form of landscaping consisting of a hedge comprised of pines, evergreens, or such other shrubbery which does not lose its leaves in winter. The evergreen bushes used in screening the fence will be spaced in a manner as to maintain the health and integrity of the bushes while effectively screening the fence from view. The evergreen bushes shall be a minimum of five feet in height at the time of installation, and shall have an expected height at maturity of at least ten feet. Such screening shall be subject to the final approval of the Village Building Inspector, and the screening shall be maintained as long as the swimming pool and safety fence exist.

Fences required pursuant to this Chapter are permitted when a swimming pool is permitted in accordance with the provisions of this Chapter. A zoning variation, as required by Section 17.12.120 (I) of this Code, is not required in order to construct and maintain a fence permitted by this Chapter.

Fencing required pursuant to this Chapter shall be removed at such time when a swimming pool no longer exists or a swimming pool is not longer permitted in accordance with the provisions of this Chapter.

Violation of this Ordinance is punishable by a fine not less than \$50.00 dollars more than \$750.00 for each violation. Each day during which a violation continues or is permitted to exist shall be considered a separate and distinct offense. In addition, to fines, the Village, or any owner or tenant or real property within 1,200 feet in any direction or the property upon which the alleged violation exists, who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent the violation, or to restrain, correct or abate the violation. When any such action is instituted by any owner or tenant, notice of such action shall be served upon the Village at the time suit is begun, by serving a copy of the complaint on the Mayor of the Village. (amended by Ordinance #08-18).

CHAPTER 15.22 DECKS AND RELATED STRUCTURES

Sections:
Definitions
General Provisions
Design Requirements
Construction Requirements
Existing Decks and Balconies

Definitions.

As used in this used:

"Awning" means a roof like cover (made of natural or synthetic materials such as fabric, plastic, fiberglass, etc., or wood, metal or combinations of any of these or similar materials) extended over or before a place as a shelter.

"Balcony" means a platform that projects outward from an exterior wall surface of a building and is enclosed by a parapet or railing with suitable balusters, longitudinal railings or other safety implementing devices.

"Baluster" means an upright support for a rail which, as part of a group of balusters, serves as a barrier.

"Balustrade" means a row of balusters tipped by a rail.

"Canopy" means an ornamental rooflike structure (made of natural or synthetic materials such as plastic, fiberglass, etc., or wood metal or combinations of any of these or similar materials).

Deck. See definitions of ground level and raised deck

"Gallery" means a platform that projects outward from an interior wall surface of a building and is enclosed by a parapet or railing with suitable balusters, longitudinal railings or other safety implementing barriers.

- "Ground level deck" means an outdoor construction of any combination of materials, generally though not necessarily of wood, with no portion of the horizontal surface being greater than twelve inches above ground level.
- "Handrail" means a narrow rail for grasping with the hand as a support.
- "Longitudinal rail" means a structural member serving as a guard or barrier positioned horizontally, parallel to the plane of a surface of a balcony, deck or gallery or at an angle not greater than forty-five degrees to the plane of the surface of such balcony, deck or gallery.
- "Patio" means an outdoor construction of any combination of materials, generally though not necessarily of poured concrete, stone, gravel, and/or similar earthen materials, with no portion of the horizontal surface being greater than twelve inches above ground level.
- "Rail" means a structural member extending from one post or support to another and serving as a guard or barrier in conjunction with a balcony, deck or gallery.
- "Railing" means a barrier consisting of a rail and supports.
- "Raised Deck" means an outdoor construction of any combination of materials, generally though not necessarily of wood, with any portion(s) or the horizontal surface(s) being greater than twelve inches above ground level.
- "Safety railing" means a device not more than forty-two inches in height above the horizontal surface of a balcony, deck or gallery, and which provides at least fifty percent openness, is constructed of metal, masonry, composition or wood, designed to provide safety around a balcony, raised deck, gallery and/or stairs. (Ord. 83-16 § 2 (part).

General Provisions.

Decks shall be permitted in residence districts R-1, R-2, R-3, R-3B and R-3 P.U.D. as an integral design of buildings to be erected or as add-on structures in the districts herein cited.

- A. Balcony designs for structures to be built in residence districts R-3, R-3B and R-3 PUD shall be incorporated in original plans of buildings to be built in residence districts R-3A, R-4, R-5 ad R-6 shall be incorporated in original plans
- B. Deck and/or balcony designs for structures to be built in residence districts R-3A, R-4. R-5 and R-6 shall be incorporated in original plans of buildings to be erected in districts herein cited.
- C. Construction of decks as an added structure when not erected with the original building construction shall require a separate permit issued the Village's building department before construction can proceed.
- D. The deck application for a Village building permit must be accompanied by complete drawings and specifications, and where required by covenants in any of the residence districts hereinbefore cited, an approval by the cognizant advisory group.
- E. The deck drawing(s) must be accompanied by a plat of survey showing the location of the deck in relation to main structure and lot boundaries (property envelope).

- F. All raised decks must be in the buildable area of a lot unless a variation is granted by the zoning board of appeals.
- G. Awnings over decks structures shall be considered as a temporary covering when such awnings are made of non-rigid materials and are removed and stored during off-season times. However, if, over decks, awnings are to be erected using rigid materials which lend themselves to permanent installation, approval of plans of construction and a permit must be obtained from the building department.
- H. Awnings, whether temporary or permanent, may not be installed over decks in those residential zoning districts where specific covenants prohibit them. (Ord. 84-20 3: Ord. 83-16 § 2 (part).

Design Requirements Generally.

- 1. If a deck is one foot or less above the ground, no railing is required, but a railing not to exceed thirty-six inches in height may be provided.
- 2. If one or more potions of a deck are more than one foot above the ground, such portions require a railing.
- 3. Whenever required, railings must be at least thirty-six (36) inches in height but not more than forty-two (42) inches in height, unless otherwise provided.
- 4. If a deck or balcony is four feet or more above the ground on any given side, the railing(s) must be forty-two (42) inches in height, no more, no less.
- 5. Balusters must be spaced to provide at least fifty (50) percent openness.
- 6. Open space between balusters may not exceed six inches.
- 7. Handrails and railings shall be designed to withstand an applied load of two hundred pounds in any direction at any point.

The provisions cited in this subsection are applicable to residence districts R3, R-3B and R3 PUD.

Decks shall not extend beyond the buildable area of the property envelope onto which the deck is to be placed.

If a deck is to be erected on a corner property, the deck side nearest the side lot line (property envelope) many not cross the plane of the side lot line.

Railings on one of the deck sides may be five feet in height and/or balusters may be spaced closer together than the requirement of fifty (50) percent openness, provided such a side is in close proximity and adjacent to a vehicular traffic lane or such side faces and is adjacent to an excessive pedestrian traffic pathway. This special option can only be granted by the Village Board of Trustees. (Ord. 90-5 § 4; Ord. 83-16 § 2 (part).

Existing Decks and Balconies.

- A. Decks and balconies erected prior to the date of passage of the ordinance codified in this chapter may remain as is.
 - B. Reconstruction of existing decks and balconies that have deteriorated or become structurally unsound necessitating the replacement of structure supporting members, or wherein more than fifty percent (50%) of a deck and/or balcony is to be replaced, such reconstruction must comply with all requirements hereinbefore stated including the requirement of plan approval, fee payment and permit issuance. (Ord. 83-24 § 1; Ord. 83-16 § 2 (part).

CHAPTER 15.24.

SATELLITE ANTENNAE INSTALLATIONS

Sections:

Special Use Permit Required.
Conditions for Granting Permit – Residential Zones.
Conditions for Granting Permit – Non-Residential Zones.
Permit Application Processing.
Application Contents.
Installation Fees.
Applicability.

Special Use Permit Required.

Violation - Penalty.

All installations of satellite antennae shall be considered extraordinary structures and may be installed only upon obtaining a special use permit as provided in the Village zoning ordinance, as amended, and a building permit prior to commencing installation. (Ord. 84-15 § 1).

Conditions for Granting Permit – Residential Zones.

A special use permit and building permit shall be granted for satellite antennae in R1, R-2, R-3 and R3A residential zones only if the following conditions are met:

- A. The smallest practical size shall be used for any dish and any enclosing fence. Such dish shall be the size no greater than eleven feet in its maximum dimension. Any such dish shall be mounted as close to the ground as possible and hall not rise form the ground in excess of fifteen feet in height at its maximum point. Elevated installations on poles or roofs are prohibited.
- B. The construction and installation of satellite antennae shall conform strictly to all applicable village ordinances.
- C. The applicant must demonstrate that the proposed location is such that during any season the first ten feet of the dish structure, as measured from the ground on which it is placed, will not be visible to neighbors and the general public. This provision is satisfied by coniferous plantings which must reach this minimum height within five years of installation as specified in Section 15.24.030.

- D. Not more than once such satellite antennae may be installed on a single zoning lot.
- E. In every case the installation shall be located in the rear or side yard. The location shall not be in any required setback area unless encroachment in the required side or rear setback area provides an acceptable location if otherwise in conformity with all of the other provisions of application ordinances. In such case, a variation is required and the applicant shall file a petition with the zoning board of appeals.
- F. All installations shall exhibit architectural quality, structural integrity, and coloration to blend with the surroundings. Experimental or temporary installations, those of questionable stability or use of inferior materials are not permitted. In every case, the entire installation must be compatible with the character of the surrounding area of the Village, and shall have no adverse impact on the property, the neighborhood or general public; and screening by coniferous plantings shall be required. Permanent foundations shall be adequate for anticipated wind loads. Electrical devices and connections shall be in compliance with the Village's building code, as amended. Consideration shall be given to protecting children as in the case of an attractive nuisance. (Ord. 84-15 § 2).

Conditions for Granting Permit – Non-Residential Zones.

A special use permit and building permit shall be granted for satellite antennae in zoning districts other than those cited in Section 15.24.020, only if the following conditions are met:

- A. The smallest practical size shall be used for any dish. Such dish shall be of size no greater than eleven feet in its maximum dimension.
 - B. Any such dish to be mounted on a roof top shall be reviewed by a licensed engineer or architect. The installation shall include an approved enclosure which restricts visibility from view.
 - C. The construction and installation of satellite antennae shall conform strictly to all Village ordinances.
 - D. No more than one such satellite antenna may be installed on a single zoning lot.
 - E. Where non-residential property abuts residential property the installation must comply with the location requirements of Section 15.24.020(F).
 - F. All installations shall exhibit architectural or temporary installations, those of questionable stability or use of inferior materials are not permitted. Permanent foundations shall be adequate for anticipated wind loads. In every case, the entire installation must be compatible with the character of the surrounding area of the Village. Electrical devices and connections shall be in compliance with the Village's building code, as amended. If the installation is at ground level, screening by coniferous plantings must reach a minimum height of ten feet within five years of installation; consideration shall be given to protecting children as in the case of an attractive nuisance.
 - G. The applicant must demonstrate that the proposed location is such that no part of the dish structure will be visible to neighbors and the general public. If installation is at ground level, then Section 15.24.020 (C) and subsection E of this section apply. (Ord. 84-15 § 3).

Permit Application Processing.

An application for a special use permit for installation of a TRVO may be obtained from the Village Clerk; its processing shall include the following steps:

- A. Completed application for and applicable fee shall be submitted to the plan commission for evaluation. Its findings shall be reported to the Village Board of Trustees and the Zoning Board of Appeals.
- B. The Village Board shall acknowledge receipt of the plan commission's findings and may grant the special use permit without further delay or may refer the matter to the Zoning Board of Appeals.
- C. If the application also includes a request for a variation, the Board of Trustees shall direct the Zoning Board of Appeals to hold a public hearing whereupon the zoning board of appeals may grant the variance. Whether or not the zoning board of appeals grants the requested variance, an appropriate report shall be rendered to the Village Board along with recommendations, if any.
- D. If all conditions for the granting of special use permit, sitting variation(s), if any, and building permit, including all appropriate fees, have been met, the Board of Trustees shall consider and may direct the appropriate departments to issue the necessary documents to effectuate the project. (Ord. 84-15 § 4).

Application Contents.

In all requests for permits, application(s) shall include all items generally required for the action(s) sought (i.e., special use permit, building permit, zoning variations, if any, all applicable fees, etc., plus the following:

- A. Plot plan showing proposed location and dish projection at extremes of the satellite band to be viewed. This requirement shall be satisfied by drawing radial lines from a point representing the pivot point of the dish to each end of the satellite band; then draw a line perpendicular to each radial at a distance scaled to the distance between the rim of the dish to the pivot point. Each perpendicular line should be scaled to the diameter of the dish to show its maximum projection on the plan at the extremes of its satellite scan. Compass directions will be adequate for this requirement. Note: Typical drawings labeled as "Exhibit 1,2, etc." may be used to graphically interpret regulations of this section.
- B. Plans and specifications for the installation including elevations, dish configuration, mounting(s) foundation, motorization, and any other pertinent information which will assist the judgment process.
- E. Landscape plan or physical concealment design for completely screening the installation from neighboring and street view pursuant to, and is required by, Sections 15.24.020(C) or 15.24.030 (E).
- F. Plan showing the location of principal structure(s), if any, on adjacent lot(s). (Ord. 84-15 § 5).

Installation Fees.

Fees for the installation of satellite antennae shall be established by the Village Board of Trustees from time to time and shall include fees for plan commission review, zoning board of appeals review, if required, building permit, and an understanding that there shall be required an annual building department inspection, the fee for said inspection to be determined by the fee schedule as published in the Village's building code, as amended. Ord. 84-15 § 6.

Applicability.

Any antenna in place on the effective date of the ordinance codified in this chapter and which has been installed pursuant to a building permit issued prior to the effective date of said ordinance is deemed to be in compliance with this chapter. All other antennae shall immediately comply with this chapter. (Ord. 84-15 § 7).

Violation—Penalty

Every person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two dollars nor more than one hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 84-15 § 8).

CHAPTER 15.26 UNATTACHED STRUCTURES

Definitions.
Construction requirements.
Bulk regulations for new structures.
Orientation of structures.
Screening.
Inspection.
Deterioration criteria.
Inspection and re-inspection fees.

Definitions.

For the purpose of clarity and consonance, there are adopted by reference, the definitions as listed in the zoning ordinance, as amended, of the Village of Indian Head Park, as codified in Title 17 of this code. (Ord. 84-8 § 3 (part).

Construction Requirements.

A. Construction of unattached structures shall be permitted only after the issuance of a construction permit and all necessary fees have been submitted to the Village Clerk's office.

- B. All unattached structures must be attached to the ground by being bolted to a concrete slab or concrete footings or attached is a manner approved by the building department.
- C. Playhouses and sheds attached to the main building on a building site must comply with fire rating comparable to attached garages.
- D. The design and exterior surfaces of all new unattached structures shall be constructed of materials comparable to and which match the appearance of the principal building. (Ord. 84-8 § 3 (part).

Bulk Regulations for New Structures.

- A. Maximum floor area of any playhouse shall not exceed one hundred square feet as measured on the outside perimeter of the structure and shall not exceed eight feet in height above the lowest natural grade level immediately beneath the perimeter of the playhouse.
- B. Maximum floor area of any shed shall not exceed one hundred twenty square feet as measured on the outside perimeter of the structure and shall not exceed twelve feet in height above the lowest natural grade level immediately beneath the perimeter of the shed.
- C. Length to width ratio of playhouses and sheds must be no greater than two to one. (Ord. 84-8 § 3 (part).

Orientation of Structures.

Orientation of sheds shall be such that the visibility of the door(s) is (are) minimized relative to neighboring properties and/or the street(s) adjacent to the building site on which the principal building has been emplaced and shall be approved by the building department. (Ord. 84-8 § 3 (part).

Screening.

Playhouses and sheds shall be fully screened on three sides from adjacent properties and/or the street(s) by hedges of coniferous-type vegetation which is to be not less than one-half the height of the highest point of playhouses or sheds within two years after planting, such vegetation to be in place within six months after the completion of the structure(s). (Ord. 84-8 § 3 (part).

Inspection.

The building department shall inspect unattached structures at five-year intervals (and at more frequent intervals if conditions warrant) in order to ensure proper maintenance of such unattached structure(s). (Ord. 84-8 § 3 (part).

Deterioration Criteria.

Deterioration criteria of unattached structures shall be determined by provisions delineated in the property maintenance code, as amended, codified as Chapter 15.16 of this code.(Ord. 84-8 § 3 (part).

Inspection and Re-Inspection Fees.

Inspection and re-inspection fees shall be determined by provisions of Section 15.26.010 with a minimum charge of five dollars per re-inspection, (Ord. 84-8 § 3 (part).

Antenna Pole Installation

For purposes of this Chapter, "Antenna Pole" shall mean an antenna, mast, tower, monopole, or any system of wires, poles, rods or other building materials used for the transmission or reception of telecommunications of any sort, where the aggregate height of such structure reaches more than twelve feet (12') above ground level. This Chapter shall not apply to satellite dish antennae or other antennae for the receipt of television or radio signals in residential property, to the extent such antennae are regulated by the provisions of Chapter 15.24.

Permit Required – Permit Fee

The installation of an antennae pole shall require a permit from the Village, and shall be subject to a permit fee to be established by the Village Board of Trustees from time to time.

Conditions for Granting A Permit

A permit shall be issued pursuant to this Chapter only if all of the following conditions are met:

- (A) All applicable provisions of Title 17 of the Village Municipal Code shall be complied with, and in no case shall any antenna pole be permitted in a residential district as defined in Title 17.
- (B) The installation or modification of antenna poles shall be in accordance with applicable requirements of the Village Building Code and all other applicable codes. Antenna poles shall be constructed and installed so as to withstand the forces of wind pressure, snow and ice loads, and other forces, as provided in the Village Building Code and all other applicable codes.
- (C) Antenna poles shall, to the extent possible, be colored to blend with their surroundings. Ground level equipment and other appurtenant structures related to antenna poles, and the antenna pole itself, shall be fully enclosed by fencing of sufficient height to screen and enclose such equipment, and appropriate landscaping may be required to minimize visibility of ground level equipment and other structures.

(D) No antenna pole shall be permitted to exceed seventy-five feet (75') above ground level.

Applicants seeking to install an antenna pole in a manner that does not comply with all of the foregoing requirements may seek relief through the variation process as set forth in Section 17.24.060 of Title 17 of the Village Municipal Code, provided that any such variance shall be allowed only upon a showing by the applicant that compliance with the requirements of this section will unreasonably interfere with the transmission or receipt of telecommunications signals by the proposed antenna pole, and that there is not other location within the Village reasonably available that would allow installation of the antenna pole in compliance with such requirements.

Applicability

This chapter shall not apply to any antenna pole that was erected or approved by the Village prior to the effective date of the ordinance codified in this Chapter, provided that this Chapter shall apply if:

- (A) The location of the antenna pole is changed.
- (B) The antenna pole is increased in height or size.
- (C) The antenna pole is modified or additional equipment is added to the antenna pole for the purpose of allowing another telecommunications provider to utilize the same antenna pole.
- (D) The antenna pole is modified or repaired and the cost of such modifications or repair exceeds fifty percent (50%) of the replacement value of the antenna pole.

Violation – Penalty

Every person convicted of a violation of any provision of this Chapter shall be punishable by a fine of not less than ten dollars and not more than five hundred dollars for each offense. A separate offense shall be deemed committed on each and every day on which a violation occurs or continues.

DIVISION III. FLOOD HAZARD PROTECTION

CHAPTER 15.28

FLOOD HAZARD PROTECTION REGULATIONS

SECTIONS:

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Village Engineer – Duties.
Administration and Enforcement
Base Flood Elevation.

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ARTICLE V. PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOODPLAIN AREAS

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Conformance with Chapter Required.

ARTICLE VII. VARIANCES - LIABILITY - PENALTY

Variances.
Disclaimer of Liability
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ARTICLE I. GENERAL PROVISIONS

Purpose.

This chapter is enacted pursuant to the police powers granted to the Village by 65 ILCS 5/1-2-1, 5/11-30-8 and 5/11-31-2 (IL. Rev. Stat, Ch. 24, Sections 1-2-1, 11-30-8 and 11-31-2) and other applicable legal authority. The purpose of this chapter is to maintain the Village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land sources. This chapter is adopted in order to accomplish the following specific purposes:

- A. To meet the requirements of Chapter 19, paragraph 65(g) of the Illinois Revised Statutes, "An Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois," approved June 10, 1911, as amended;
- B. To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion.
- C. To protect new buildings and major improvements to buildings from flood damage;
- D. To protect human life and health from the hazards of flooding;
- E. To lessen the burden on the taxpayer for flood control projects; repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations.
- F. To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program;
- G. To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
- H. To protect, conserve, and promote the orderly development of land and water resources;
- I. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. 93-24 § 1; Ord. 90-4 § 200).
- J. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion,

protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. 93-24 § 1; Ord. 90-4 § 200).

Definitions.

For the purposes of this chapter, the following definitions are adopted:

"Act" means an act in relation to the regulation of the rivers, lakes and streams of the State of Illinois, Ill. Rev. Stat. 1987, ch.19, par. 52 et seq.

"Applicant" means any person, firm, corporation or agency which submits an application.

Appropriate Use. Only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 15.28.190.

"Base flood" means flood having in one percent probability of being equaled or exceeded in any given year. The base flood is also known as the one-hundred year frequency flood event. Application of the base flood elevation at any location is as defined in Section 15.28.050.

"Building" means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a pre-fabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty days.

"Channel" means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, wither perennially or intermittently.

"Channel modification" means alteration of a channel by changing the physical dimensions or materials of its bed or banks.

Channel modification includes damming, rip-rapping or other armoring, widening deepening, straightening, relocating lining and significant removal of bottom or wood vegetation. Channel modification does not include the clearing or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a typically involving relocation of the existing channel (e.g. straightening).

"Compensatory storage" means an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

"Conditional approval of a regulatory floodway map change" means pre-construction approval by DWR and the Federal Emergency Management Agency of a proposed change to the floodway map. This pre-construction approval, pursuant to this chapter, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

"Conditional letter of map revision (CLOMR) means a letter which indicates that the Federal Emergency Management Agency of a proposed change to the floodway map. This pre-construction approval, pursuant to this chapter, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as built plans are submitted and approved.

"Control structure" means a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

"Dam" means all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. "Development" means any 6 manmade change to real estate, including:

- 1. Construction, reconstruction, repair, or placement of a building or any addition to a building;
- 2. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty days;
- 3. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
- 4. Demolition of a structure or re-development of a site;
- 5. Clearing of land as an adjunct of construction;
- 6. Construction or erection of levees, walls, fences, dams. Or culvert; channel modification; filling, dredging, grading, excavating, paving or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;
- 7. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

"Development" does not include maintenance of existing buildings and facilities such as re-roofing or resurfacing or roads when there is no increase in elevation, or gardening, plowing, and similar agriculture practices that do not involve filling, grading or construction of levees.

"DWR" means Illinois Department of Transportation, Division of Water Resources. "Elevation certificates" means a form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

"Erosion" means the general process whereby soils are moved by flowing water or wave action.

"Exempt" organizations" means organizations which are exempt from this chapter per the III. Rev. Stat, including state federal or local units of government.

"FEMA" means Federal Emergency Management Agency and its regulations at 44 CFR 59-70 effective as of October 1, 1986. This incorporation does not include any later editions or amendments.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or run-off of surface waters from any source.

"Flood frequency" means a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded. "Flood fringe" means that portion of the floodplain outside of the regulatory floodway. "Flood Insurance Rate maps" (FIRM) means a map prepared by the Federal Emergency Management Agency that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

"Floodplain" means that land typically adjacent to a body of water with ground surface elevations at or below the base flood hazard area (SFHA). The floodplains are those lands within the jurisdiction of the Village that are subject to inundation by the base flood or one hundred year frequency flood. The SFHA's of the Village are generally identified as such on the following map number 17031C, and panels 0468 and 0469 effective August 19, 2008 of the Countywide Floor Insurance Rate Map of Cook County prepared by the Federal Emergency Management Agency. The SFHA's of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the following map number 17031C and panel 0467 effective August 19, 2008 of the countywide Flood Insurance Study Map for Cook County prepared by the Federal Emergency Management Agency.

"Flood-proofing Certificate" means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood protection elevation (FPE)" means the elevation of the base flood or one hundred year frequency flood plus one foot of freeboard at any given location in the SFHA.

"Freeboard" means an increment of elevation added to the base flood elevation to provide a factor or safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

"Hydrologic and hydraulic calculations means engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

"Letter of Map Amendment" (LOMA)" means official determination by FEMA that a specific structure is not in a one-hundred year flood zone; amends the effective Flood Hazard Boundary Map or FIRM.

"Letter of map revision (LOMR)" means a letter that revises base flood of onehundred-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on site for more than one hundred eighty consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mitigation" includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and

welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

"NGVD" means National Geodetic Vertical Datum of 1929. Reference surface set by National Geodedtic Survey deducted from a continental adjustment of all existing adjustments in 1929.

"Natural", when used in reference to channels, means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetarian is reestablished. Similarly a modified channel may be restored to more natural conditions by man through regarding and revegetation.

"Ordinary high water mark (OHWM)" means the point on the bank or shore up to which the presence and action surface water is so continuous so as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

"Public flood control project" means a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

"Publicly navigable waters" means all streams and lakes capable of being navigated by watercraft.

"Registered land surveyor" means a land surveyor registered in the State of Illinois, under

the Illinois Land Surveyors Act (III. Rev. State 1987, ch. 111, pars. 3201-3234).

"Registered professional engineer" means an engineer registered in the State of Illinois, under the Illinois Professional Engineering Act (III. Rev. State 1987, ch. 111, pars. 3201-3234).

"Regulatory floodway" means the channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by DWR, which is needed to store and convey the existing and anticipated future one-hundred-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent increase in velocities. The regulatory floodways are designated for Flagg Creek on the following map number 17031C and panels 0468 and 0469 effective August 19, 2008 of the Countywide Flood Insurance Rate Map prepared by FEMA. The regulatory floodways for those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the Village that may be annexed into the Village are designated for Flagg Creek on the Floor Insurance Rate Map prepared by FEMA effective August 19, 2008.

To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site

plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the Division should be contracted for the interpretation.

"Repair, remodeling or maintenance" means development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

"Retention/detention facility." A retention facility stores storm water run-off without a gravity release. A detention facility provides for storage of stormwater run-off and controlled release of this run-off during and after a flood or storm.

"Riverine SFHA" means an SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"Run-off" means the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits. "Sedimentation" means the processes that deposit solid, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

"Special flood hazard area (SFHAS)" means any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A-1-30, AE, A99, AH, VO, V30, VE, V, M, or E.

"Structure" means the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a travel trailer on a site for more than one hundred eighty days.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals fifty-percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being stored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration or any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Transition section" means reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa. (Ord. 90-4 § 300).

Village Engineer – Duties

A. The Village Engineer shall be responsible for fulfilling all of the duties listed in Section 15.28.040.

- B. To fulfill those duties, the Village Engineer first should use the criteria listed in Section 15.28.050 to determine whether the development site is located within a floodplain.
- C. Once it has been determined that a site is located within a floodplain, the Village Engineer must determine whether the development site is within a flood fringe, a regulatory floodway, or within a SFHA or floodplain on which no floodway has been identified. If the site plan is within a flood fringe, the Village Engineer shall require that the minimum requirements of Article II be met.
 - D. In addition, the general requirements of Article V shall be met for all developments meeting the requirements of Articles II. III, or IV. The Village engineer shall assure that all subdivision proposals shall meet the requirements of Article VI. E. If a variance is to be granted for a proposal, the Village Engineer shall review the requirements of Article VII to make sure they are met. In addition, the Village Engineer shall complete all notification requirements.
 - F. In order to assure that property owners obtain permits as required in this chapter, the Village Engineer may take any and all actions as outlined in Section 15.28.450. (Ord. 90-4 § 400).

Administration and Enforcement

The Village Engineer shall be responsible for the general administration and enforcement of this chapter which shall include the following:

- A. Determining the Floodplain Designation. Check all new development sites to determine whether they are in a special flood hazard area (SFHA).
- B. If they are in a SFHA, determine whether they are in a special flood hazard area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or on a floodplain on which a detailed study has not been conducted which drains more than one square mile.
- C. Professional Engineer Review. If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted which drains more than one square mile then the permit shall be referred to a registered professional engineer (P.E.) under the employ or contract of the Village for review to ensure that the development meets the requirements of Article III. In the case of an appropriate use, the P.E. shall state in writing that the development meets the requirements of Article III.
- D. Dam Safety Requirements. Ensure that a DWR dam safety permit has been issued or a letter indicating no dam safety permit is required, if the proposed development activity includes construction of a dam as defined in Section 15.28.030. Regulated dams may include weirs, restrictive culverts or impoundment structures.
- E. Other Permit Requirements. Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
- F. Plan Review and Permit Issuance. Ensure that all development activities within the SFHA's of the jurisdiction of the Village meet the requirements of this chapter and issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

- G. Inspection Review. Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure they comply with the provisions of this chapter.
- H. Elevation and Flood-proofing Certificates. Maintain in the permit files an elevation certificates certifying the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been flood-proofed, using a flood-proofing certificate, for all buildings subject to Article V for public inspection and provide copies of same.
- I. Records for Public Inspection. Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal or state permit documents, variance documentation, conditional letter of map revision, letter of map amendment and "as-built" elevation and flood-proofing or elevation and flood-proofing certificates for all buildings constructed subject to this chapter.
- J. State Permits. Ensure that construction authorization has been granted by the Illinois Division of Water Resources, for all development projects subject to Articles III and IV, unless enforcement responsibility has been delegated to the Village. Upon acceptance of this chapter by DWR and FEMA, responsibility is delegated to the Village as per 92 III. Adm. Code 708 for construction in the regulatory floodway and floodplain when floodways have not been defined in Articles III and IV of this chapter. However, the following review approvals are not delegated to the Village and shall require review or permits from DWR:
- 1. Organizations which are exempt from chapter as per the Illinois Revised Statutes;
- 2. Department of Transportation projects, dams or impoundment structures as defined in Section 15.28.020 and all other state, federal or local unit of government projects, including projects of the Village and county, except for those projects meeting the requirements of Section 15.28.250;
- 3. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 15.28.200(E);
- 4. An engineer's analysis of the flood profile due to Section 15.28.200(D);
- 5. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 15.28.200(A), (B) and (H);
- 6. Permit issuance of structures within or over publicly navigable rivers, lakes and streams:
- 7. Any changes in the base flood elevation or floodway locations;
- 8. Base flood elevation determinations where none now exist.
- K. Cooperation with Other Agencies. Cooperate with state and federal floodplain management agencies to improve base flood or one-hundred year frequency flood and floodway data and to improve the administration of this chapter. Submit data to DWR and the Federal Emergency Management Agency for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify the Federal Emergency Management Agency of any proposed amendments to this chapter.

L. Promulgate Regulations. Promulgate rules and regulations as necessary to enforce the provisions of this chapter, subject however to the review and approval of DWR and FEMA for any changes to this chapter (Ord. 90-4 § 500).

15.28.050 Base Flood Elevation

This chapter's protection standard is based on the flood insurance study for the Village. If a base flood elevation or one-hundred year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Survey's Flood Plain Information Repository. When a party disagrees with the best available data, he/she may finance the detailed engineering study needed to replace existing data with better data and submit it to DWR and FEMA.

- A. The base flood or one-hundred-year frequency flood elevation for the SFHA's of Flagg Creek shall be as delineated on the one-hundred-year flood profiles in the Countywide Flood Insurance Study for Cook County prepared by FEMA on map number 17031C panels 468 and 469 effective August 19, 2008, and such amendments or revisions to such study and maps as may be prepared from time to time.
- B. The base flood or one-hundred year frequency flood elevation for the SFHa's of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the one-hundred year flood profiles in the Countywide Flood Insurance Study for Cook County prepared by FEMA effective August 19, 2008 and such amendments or revisions to such study and maps as may be prepared from time to time.
- C. The base flood or one-hundred year frequency flood elevation for each of the remaining SFHA's delineated as an A zone on the Flood Insurance Rate Map of the Village shall be according to the best existing data available in the Illinois State Water Survey floodplain information repository. The base flood or one-hundred year frequency flood elevation for each of the remaining SFHA's delineated as an AH zone or AO zone shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Village.
- D. The base flood or one-hundred-year frequency flood elevation for each of the remaining SFHA's delineated as an A zone on the Flood Insurance Rate Map of the Village shall be according to the best existing data available in the Illinois State Water Survey Flood Plain Information Repository. When no base flood or one-hundred-year frequency flood elevation exists, the base flood or one-hundred year flood frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-2, HEC-RAS, WSP-2, or a dynamic model such as FEQ. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-1, HEC-HMS, TR-20 OR or FEQ, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local and regional land use plans. Along any watercourses draining more than one square mile, the above analyses shall be submitted to the DWR for approval, once approved

it must be submitted to the Illinois State Water Survey Flood Plain Information Repository for filing. For a non-riverine SFHA, the base flood elevation shall be the historic flood of record plus three feet, unless calculated by a detailed engineering study and approved by the Illinois State Water Survey. (Ord. 90-4 § 600).

Article II. Occupation and Use of Flood Fringe Areas

Permitted When.

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or one-hundred-year frequency flood by proper elevation and compensatory storage and other provisions of this chapter are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this article, along with the requirements of Article V. (Ord. 90-4 § 700 (part).

Development Permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the Village Engineer. (Ord. 90-4 § 701.0).

Permit Application - Contents

Application for a development permit shall be made on a form provided by the Village Engineer. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or NGVD and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to building. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and development will be subject to the requirements of Article V. (Ord. 90-4 § 701.1).

Land Exempt from Chapter

Upon receipt of a development permit application, the Village Engineer shall compare the elevation of the site to the base flood or one-hundred-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first Flood Insurance Rate Map identification is not in the SFHA and, therefore, not subject to the requirements of this chapter. The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification. (Ord. 90-4 § 701.2)

Soil Erosion and Sedimentation Control Plan

A soil erosion and sedimentation control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implement to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance. (Ord. 90-4 § 701.3).

Village Engineer to Obtain Copies of Other Permits.

The Village Engineer shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Village Engineer shall note issues a permit unless all other local, state and federal permits have been obtained. (Ord. 90-4 § 701.4).

Preventing Increased Damages

No development in the flood fringe shall create a threat to public health and safety. 9ord. 90-4 § 702.0)

Elevation of Site with Fill

If fill is being used to elevate the site above the base flood or one-hundred-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain. (Ord. 90-4 § 702.1).

Compensatory Storage

Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or one-hundred-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood for one-hundred-year frequency flood elevation. The excavation volume shall be at least equal to 1.0 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. (Ord. 90-4 § 702.2).

Article III. Occupation and Use of Identified Floodways

Applicability of Article

This article applies to proposed development, redevelopment, site modification or building modification with a regulatory floodway. The regulatory floodway for Flagg Creek shall be delineated on the regulatory floodway maps designated by DWR according to and referenced in Section 15.28.020. Only those uses and structures will be permitted which meet the criteria in this article. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Article V. (Ord. 90-4 § 800 (part).

Application - Contents

Application for a development permit shall be made on a form provided by the Village Engineer. The application shall include the following information:

- A. Name and address of applicant.
- B. Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area.
- C. Name of stream or body of water affected.
- D. Description of proposed activity.
- E. Statement of purpose of proposed activity.
- F. Anticipated dates of initiation and completion of activity.
- G. Name and mailing address of the owner of the subject property if different from the applicant.
- H. Signature of applicant or the applicant's agent.
- I. If the applicant is a corporation, the president or other authorized officer shall sign the application form.
- J. If the applicant is a partnership, each partner shall sign the application form.
- K. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- L. Plans of the proposed activity shall be provided which include as a minimum:
- 1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
- 2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929) adjustment) datum or NGVD, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), regulatory floodway limit, floodplain limit, specifications and

dimensions of any proposed channel modifications, location and orientation of crosssections, north arrow, and a graphic scale or numerical scale;

- 3. Cross-section of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, one-hundred-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);
- 4. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible part to ensure post-construction maintenance;
- 5. A copy of the regulatory floodway map, marked to reflect any proposed change in the regulatory floodway location.
- M. Any and all other local, state and federal permits or approval letters that may be required for this type of development.
- N. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 15.28.190.
- O. If the regulatory floodway delineation, base flood or one-hundred-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until DWR has indicated conditional approval of the regulatory floodway map change. No structures may be built until a letter of map revision has been approved by FEMA.
- P. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to building; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Article V.
- Q. If the proposed project involves a channel modification, the applicant shall submit the following information:
- 1. A discussion of the purpose of and need for the proposed work;
- 2. A discussion of the feasibility of using alternative locations or methods to accomplish the purpose of the proposed work;
- 3. An analysis of the extent and permanence of the impacts the project would have on the physical and biological conditions of the body of water affected;
- 4. An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 15.28.200(D)(1) would have on the physical and biological conditions of the body of water affected;
- 5. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected (Ord. 90-4 § 801.1).

Approval of Applications.

The Village Engineer shall be responsible for obtaining from the applicant copies of all other local, state, and federal permits and approvals that may be required for this type of activity. The Village Engineer shall not issue the development permit unless all required federal and state permits have been obtained. A registered professional engineer, under the employ or contract of the Village shall review and approve applications reviewed under this section. (Ord. 90-4 § 801.2).

Preventing Increased Damages – List of Appropriate Uses.

The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate used listed in 92 Ill. Adm. Code 708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an appropriate use. The approved appropriate uses are as follows:

- A. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife
- B. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water-dependent uses.
- C. Storms and sanitary sewer outfalls.
- D. Underground and overhead utilities.
- E. Recreational facilities such as playing fields and trail systems including any related fencing (at least fifty percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions.
- F. Detached garages, storage sheds, or other non-habitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage.
- G. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto.
- H. Parking lots and any modifications thereto (where depth of flooding at the one-hundred year frequency flood event will not exceed one foot and aircraft parking aprons built at or below ground elevation.
- I. Regulatory floodway regarding, without fill, to create a positive non-erosive slope toward a watercourse.

- J. Flood-proofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside tow of the floodwall shall be no more than ten-feet away from the exterior wall of the existing structure, and which are not considered substantial improvements to the structure.
- K. In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than fifty-percent of the market value of the building before it was damaged or replaced and which do not increase the outside dimensions of the building.
- L. Additions to existing buildings above the BFE that do not increase the building's foot print and are valued at less than fifty percent of the market value of the building (Ord. 90-4 § 802.0)

Engineering and Mitigation Criteria

Within the regulatory floodway as identified on the regulatory floodway maps designated by DWR, the construction of an appropriate use will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans; calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Article V:

A. Preservation of Flood Conveyance so as not to Increase Flood Stages Upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the one-hundred-year frequency flood. In calculating effective floodway conveyance, the following factors shall be taken into consideration:

1. Regulatory floodway conveyance:

where "n" is Mannings roughness factor, "A" is the effective area of the crosssection, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York);

- 2. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover;
- 3. Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

- a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one-foot horizontal for every four feet of the flooded stream's length.
- b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one-foot of the flooded stream's length,
- c. When expanding or contacting flows in a vertical direction, a minimum of one-foot vertical transition for every ten-feet of stream length shall be used,
- d. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties,
- e. All cross sections used in the calculations shall be located perpendicular to flood flows.
- B. Preservation of Floodway Storage so as not to Increase Downstream Flooding. Compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of ay related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.0 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction on head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed one-hundred-year flood elevation. All regulatory floodway storage lost below the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. Finally, there shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.
- C. Preservation of Floodway Velocities so as not to Increase Stream Erosion or Flood Heights. For all appropriate uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities or stage for all flood events up to and including the one-hundred-year frequency event. However, in the case of bridges or culverts or on stream structures built for the purposes of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scout, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- D. Construction of New Bridges or Culvert Crossings and Roadway Approaches. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to an including one-hundred-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical levees or flood walls or within recorded flood easements. If the proposed

construction will increase upstream flood stages greater than 0.1, the developer must contact DWR, Dam Safety Section for a dam safety permit or waiver.

- 1. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 15.28.050. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures;
- 2. Lost floodway storage must be compensated for per subsection C of this section;
- 3. Velocity increases must be mitigated per subsection C of this section;
- 4. If the crossing is proposed over a public water that is used for recreational or commercial navigation, a Department of Transportation permit must be received:
- 5. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to DWR for concurrence that a CLOMR is not required by Section 15.28.190;
- 6. All excavations for the construction of the crossing shall be designed per subsection H of this section.
- E. Reconstruction or Modification of Existing Bridges Culverts, and Approach Roads.
- 1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the one-hundred-year event, if the existing structure is not a source of flood damage;
- 2. If the existing bridge or culvert and roadway approaching is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties;
- 3. Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
- a. When water is flowing from a narrow section to a wider section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length,
- b. When water is flowing from a wider section to a narrow section, the water should be assumed to contract no faster than a rate of one foot horizontal for every one foot of the flooded stream's length,
- c. When expanding or contracting flows in a vertical direction, a minimum of one-foot vertical transition for every ten feet of stream length shall be used.

- d. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties,
- All cross-sections used in the calculations shall be located e. perpendicular to flood flows. Preservation of Floodway Storage so as not to Increase Downstream Flooding. Compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.0 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed one-hundred-year flood elevation. All regulatory floodway storage lost below the existing ten-year flood elevation shall be replaced above the proposed tenyear flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. Finally, there shall be no reduction in floodway surface areas as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

Preservation of Floodway Velocities so as not to Increased Stream Erosion or Flood Heights. For all appropriate uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities or stage for all flood events up to and including the one-hundred-year frequency event. However, in the case of bridges or culverts or on stream structures built for the purposes of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

Construction of New Bridges or Culvert Crossings and

Roadway Approaches. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the one-hundred-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact DWR, Dam Safety Section for a dam safety permit or waiver.

6. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 15.28.050. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway

Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures;

- 7. Lost floodway storage must be compensated for per subsection B of this section:
- 8. Velocity increases must be mitigated per Subsection C of this section;
- 9. If the crossing is proposed over a public water that is used for recreational or commercial navigation, a Department of Transportation permit must be received:
- 10. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to DWR for concurrence that a CLOMR is not required by Section 15.28.190;
- 11. All excavations for the construction of the crossing shall be designed per Subsection H of this section.

Reconstruction or Modification of Existing Bridges, Culverts and Approach Roads.

The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the one-hundred-year event, if the existing structure is not a source of flood damage;

If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of re-designing the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties;

The determination as to whether or not the existing crossing is a source of flood damage and should be re-designed must be prepared in accordance with the Department of Transportation Rules 92 III. Adm. Code 708 (Floodway Construction in Northeastern Illinois) and submitted to the Division for review and concurrence before a permit is issued.

On Stream Structures Built for the Purpose of Backing Up Water.

Any increase in upstream flood stages greater 0.0 foot when compared to the existing conditions, for all flood events up to and including the one-hundred-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the deign protection grade of existing levees or flood walls or within recorded flood easements. A permit or letter indicating a permit is not required must be obtained from DWR, Dam Safety Section for a dam safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 15.28.020 shall meet the permitting requirements of 92 III. Adm. Code 702 (Construction and Maintenance of Dams). If the proposed

activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

- 1. The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
- 2. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle; such as for spawning;
- 3. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes appropriate bank stabilization measures, and a presedimentation basin;
- 4. A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment run-off as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;
- 5. The project otherwise complies with the requirements of this article.

Flood-proofing of Existing Habitable, Residential and Commercial Structures. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the flood-proofing construction shall be placed no further than ten-feet from the outside building, the outside perimeter of the flood proofing construction shall be placed no further than ten-feet from the outside of the building. Compensation of lost storage and conveyance will not be required for flood-proofing activities.

Excavation in the Floodway. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

- 1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four-feet of the flooded stream's length;
- 2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one-foot of the flooded stream's length;
- 3. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used;
- 4. Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

If the proposed activity involves a channel modification, it shall be demonstrated that: with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood-proofing of existing structures, removal and removal of structures from the floodplain, clearing

the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are off-set by the replacement of an equivalent degree of natural resource values:

The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration or more natural physical conditions should be incorporated into channel modification design, where practical;

Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation. Clearing of vegetation shall be limited to that which is essential for construction of the channel.

Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Natural vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete gabions, or construction rubble should be avoided unless there are no practicable alternatives;

All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover,

If the existing channel contains considerable bottom diversity such as deep pools, riffles and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate,

A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality,

New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel,

There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of modification;

The project otherwise complies with the requirements of this article.

Seeding and Stabilization Plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

Soil Erosion and Sedimentation Measures. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soils, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than fifteen days prior to the initiation of improvements;

Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. AS a minimum, soil stabilization shall be provided within fifteen days after final grade is reached on any portion of the site, and within fifteen days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty days,

Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off-site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment basins;

A vegetated buffer strip of at least twenty-five feet in width shall be preserved and/or re-established, where possible, along existing channels. (See subsection P of this section). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be re-stabilized immediately;

Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and Standards and Specifications for soil erosion and Sediment Control" (IEPA, 1987).

General Criteria for Analysis of Flood Elevations. The flood profiles, flows and floodway data in regulatory floodway study, referenced in Section 15.28.050, must be used for analysis of the base conditions.

If the study data appears to be in error or conditions have changed, DWR shall be contacted for approval and concurrence on the appropriate base conditions data t use;

If the one-hundred-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the one-hundred-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations:

If the applicant leans from DWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified with the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section of both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

Conditional Letter of Map Revision. If the appropriate use would result in a change in the regulatory floodway location or the one-hundred-year frequency flood elevation, the applicant shall submit to DWR and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from DWR a conditional approval of the regulatory floodway map revision and receive from DWR a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by DWR until as-built plans or record drawings are submitted and accepted by FEMA and DWR. In the case of nongovernment projects, the municipality in incorporated areas shall concur with the proposed conditional regulatory floodway map revision before DWR approval can be given. No filling, grading, dredging or excavation shall take place until a conditional approval is issued. No further development activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA and DWR.

Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

For all activities in the floodway involving construction within twenty-five of the channel, the following criteria shall be met:

A natural vegetation buffer strip shall be preserved within at least twenty-five feet of the ordinary high water mark of the channel:

Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction;

The use of native riparian vegetation is preferred in the buffer strip. Access when necessary, for stream maintenance purposes. After receipt of conditional approval of the regulatory floodway change and issuance of a permit and conditional letter of map revision, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the regulatory floodway is changed in a final letter of map revision is received. The regulatory floodway map will be revised upon acceptance and concurrence by DWR and FEMA of the "as built" plans. (Ord. 90-4 § 802.1).

State Review

For those projects listed below located within a regulatory floodway, the following criteria shall be submitted to DWR for their review and concurrence prior to the issuance of a permit:

- A. DWR will review an engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 15.28.200 (D).
- B. DWR will review an engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicated the proposed flood profile, pursuant to Section 15.28.200 (E).
- C. The DWR will review alternative transition sections and hydraulically equivalent storage pursuant to Section 15.28.020 and all other state, federal or local units of government projects, including projects of the municipality or county. (Ord. 90-4 § 802.2)

Other Permits

In addition to the other requirements of this chapter, a development permit for a site located on a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from DWR, issued pursuant to Illinois Revised Statutes, Chapter 19, Section 52 et seq. No permit from DWR shall be required if the Division has delegated this responsibility to the Village (Ord. 90-4 § 802.3).

Dam Safety Permits

Any work involving the construction, modification or removal of a dam as defined in Section 15.28.020 per 92 III. Adm. Code 702 (Rules for Construction of Dams) shall obtain an Illinois Division of Water Resources Dam Safety Permit prior to the start of construction of a dam. If the Village engineer finds a dam that does not have a DWR permit, the Village engineer shall immediately notify the Dam Safety

Section in Springfield and the Illinois Emergency Services and Disaster Agency (ESDA). (Ord. 90-4 § 802.4).

Registered Professional Engineer's Review - Not Required When.

The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements:

Underground and overhead utilities that:

Do not result in any increase in existing ground elevations; or Do not require the placement of above ground structures in the floodway; or

In the case if underground stream crossing, the top of the pipe or encasement is buried minimum of three feet below the existing stream bed; and

In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.

Storm and sanitary sewer outfalls that:

Do not extend riverward or lakeward of the existing adjacent natural bank slope; and Do not result in an increase in ground elevations; and

Are designed so as not to cause stream erosion at the outfall location.

Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.

Construction of shoreline and streambank protection that:

Does not exceed one thousand feet in length;

Materials are not placed higher than the existing top of bank;

Materials are placed sop as not to reduce the cross-sectional area of the stream channel or bank of the lake;

Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions

should be avoided unless there are no practical alternatives.

Temporary stream crossings in which:

The approach roads will be one-half foot or less above natural grade;

The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert;

The top of the roadway fill in the channel will be at least two-feet below the top of the lowest bank. Any fill in the channel shall be non-erosive materials, such as rip-rap or gravel;

All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction;

The access road and temporary crossing will be removed with one year after authorization. (Ord. 90-4 § 802.5).

Article IV. Occupation and Use of SFHA Areas Where Floodways are Not Identified

Applicability of Article.

In SFHAS or floodplains, where no floodways have been identified and no base flood or one-hundred-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structure, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or one-hundred-year frequency flood elevation. (Ord. 90-4 § 900 (part).

Development Permit.

No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the Village engineer. Application for a development permit shall be made on a form provided by the Village Engineer. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect pr surveyor, the location and dimensions of all buildings and additions to building; and the elevation at the lowest floor (including basement) of all proposed buildings subject to the requirements of Article V. The application for a development permit shall also include the following information:

A detailed description of the proposed activity, its purpose, and intended use;

Site location (including legal description) of the property, drawn to scale, on the regulatory floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

Anticipated dates of initiation and completion of activity;

Plans of the proposed activity shall be provided which include as a minimum: (1) a vicinity map showing the site of the activity, name of the waterway, boundary

lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

(2) a plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure of work, elevations in mean sea level (1929 adjustment) datum or NGVD, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale; (3) cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plain view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, one-hundred-year frequency flood elevation, and elevation, and graphical or numerical scales (horizontal and vertical); and (4) a soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance; (5) engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 15.28.290; (6) Any and all other local, state and federal permits or approvals that may be required for this type of development. (Ord. 90-4 § 901.1).

Exemption - Lands Higher Than Base Flood Elevation.

Based on the best available existing data according to the Illinois State Water Survey's Flood Plain Information Respository, the Village Engineer shall compare the elevation of the site to the base or one-hundred year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 15.28.050 (D). Any development located on land can be shown to have been higher than the base flood elevation as of the site's first Flood Insurance Rate Map Identification is not in the SFHAS and, therefore, not subject to the requirements of this chapter. The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map Identification. (Ord. 90-4 § 901.2)

Village's Engineer to Obtain Copies of Other Permits.

The Village Engineer shall be responsible for obtaining from the applicant copies of all other local, state, and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Village Engineer shall not issue the development permit unless all required local, state and federal permits have been obtained. (Ord. 90-4 § 901.3).

Preventing Increased Damages.

No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. (Ord. 90-4 § 902-0).

Floodway Not Determined - Standards

Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply: (A) The developer shall have a registered professional engineer state in writing and shown through supporting plans, calculations, and data that the project meets the engineering requirements of Section 15.28.200 (A) through (L) for the entire floodplain as calculated under the provisions of Section 15.28.050 (D). As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to DWR for acceptance as a regulatory floodway. Upon acceptance of their floodway by the Department, the developer shall then demonstrate that the project meets the requirements of Article III for the regulatory floodway. The floodway shall be defined according to the definition in Section 15.28.020. (B) a development permit shall not be issued unless the applicant first obtains a permit from DWR or written documentation that a permit is not required from DWR. (C) No permit from DWR shall be required if the Division has delegated permit responsibility for the Village per 92 III. Adm. Code, Part 708 for regulatory floodways, per DWR's Statewide Permit entitled "Construction in Flood Plains with No Designated Floodways in Northern Illinois." (D) Dam Safety Permits. Any work involving the construction, modification or removal of a dam or an on-stream structure to impound water as defined in Section 15.28.020 shall obtain an Illinois Division Water Resources Dam Safety permit or letter indicating a permit is not required prior to the start of construction of a dam. If the Village

Engineer finds a dam that does not have a DWR permit, the Village Engineer shall immediately notify the Dam Safety Section of the Division of Water Resources. If the Village Engineer finds a dam which is believed to be in unsafe condition, the Village Engineer should immediately notify the owner of the dam and the Illinois Emergency Services and Disaster Agency (ESDA), and the DWR, Dam Safety Section in Springfield. (E) The following activities may be permitted without a registered professional engineer's review or calculation of a base flood elevation and regulatory floodway. Such activities shall still meet the other requirements of this chapter: (1) Underground and overhead utilities that: (a) do not result in any increase in existing ground elevations, or (b) do not required placement of above ground structures in the floodway, or (c) in the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three feet below the existing streambed, and (d) in the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris; (2)

Storm and sanitary sewer outfalls that: (a) do not extend riverward or lakeward of the existing adjacent natural bank slope, and (b) do not result in an increase in ground elevation, and (c) are designed so as not to cause stream bank erosion at the outfall location; (3) Construction of shoreline and streambed protection that: (a) does not exceed one thousand feet in length or two cubic yards per lineal foot of streambed, (b) materials are not placed higher than the existing top of bank, (c) materials are placed so as not to reduce the cross-sectional area of the stream channel by more than ten-percent (d) vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measure, natural or rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives; (4) Temporary stream crossings in which: (a) the approach roads will be one-half foot or less above natural grade, (b) the crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert, (c) the top of the roadway fill in the channel will be at least two-feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel, (d) all disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction, (e) the access road and temporary crossings will be removed within one year after authorization; (5) The construction of light poles, sign posts and similar structures; (6) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade; (7) The construction of properly anchored, un-walled, open structures such as playground equipment, pavilions, and carports built at or below existing grade and would not obstruct the flow of flood waters; (8) The placement of properly anchored buildings not exceeding seventy square feet in size, not ten-feet in any one dimension (e.g. animal shelters and tool sheds); (9) The construction of additions to existing buildings which do not increase the first floor area by more than twenty-percent (20%), which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters; (10) Minor maintenance dredging of a stream channel where: (a) the affected length of stream is less than one thousand feet, (b) the work is confined to reestablishing flows in natural stream channels, or (c) the cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site; (F) the flood carrying capacity within any altered or relocated watercourse shall be maintained. (Ord. 90-4 § 902.1)

Compensatory Storage.

Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or one-hundred-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or one-hundred-year frequency flood elevation. The excavation volume shall be at least equal to 1.0 times the volume of storage lost due to the fill of structure. In the case of streams and watercourses, such excavation shall be made

opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. (Ord. 90-4 § 902.2).

Article V. Permitting Requirements Applicable to all Floodplain Areas

Applicability of Article

In addition to the requirements found in Articles II, III and IV for development in flood fringes, regulatory floodways, and SFHA or floodplains where no floodways have been identified (zones A, AO, AH, AE, A1-30, A99, VO, VI –30, VE, V, M or E), the requirements of this article shall be met (Ord. 90-4 § 1000 (part).

Public Health Standards.

No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted provided all manholes or other above ground openings located below the FPE are watertight. (Ord. 90-4 § 1001.1).

Carry Capacity and Notification.

For all projects involving channel modification, fill or stream maintenance (including levees), the flood carrying of the watercourse shall be maintained. In addition, the Village shall notify adjacent communities in writing thirty days prior to the issuance of a permit for the alteration or relocation of the watercourse. (Ord. 90-4 § 1002.0).

Protecting Buildings.

All buildings located within a one-hundred year floodplain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation. However, existing buildings located within a regulatory floodway shall also meet the more restrictive appropriate use standards included in Article III. This building protection criteria applies to the following situations: (A) construction or replacement of a new building; (B) a structural alteration to an existing building that either increases the first floor area by more than twenty-percent or the building's market value by more than fifty-percent (50%); (C) installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and (D) installing a travel trailer on a site for more than one hundred eighty days. (Ord. 90-4 § 1003.0).

Methods of Meeting Building Protection Requirements.

This building protection requirement may be met by one of the following methods: (A) a residential or non-residential building, when allowed, may be constructed on permanent landfill in accordance with the following: (1) the lowest floor (including basement) shall be at or above the flood protection elevation; (2) the fill shall be placed inlayers no greater than one-foot deep before compaction and should extend at least ten-feet beyond the foundation of a building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten-foot minimum may be waived of a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill not adversely affects the flow or surface drainage from or onto neighboring properties. (B) a residential or non-residential building may be elevated in accordance with the following: (1) the building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to floodwaters and not subject to damage by hydraulic pressures of the base flood or one-hundred-year frequency flood. The permanent openings shall be no more than one-foot above grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to the flooding below the base flood elevation; (2) the foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris;(3) all areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air-conditioning equipment and utility meters shall be located at or above the flood protection elevation.

Water and sewer pipes, electrical and telephone lines, submersible pumps. and other waterproofed service facilities may be located below the flood protection elevation; (4) No area below the flood protection shall be used for storage of items or materials. When the building wall encloses open space that is below the base flood elevation, gravity storm and sanitary sewer connections are specifically prohibited and overhead sewers are required for the sanitary connections and sumps for the storm sewer connections; (5) manufactured homes and travel trailers to be installed on a site for more than one hundred eighty days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. (C) Only a non-residential building may be structurally dry flood-proofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry flood-proofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or one-hundred-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and

hrdrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this subsection). Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following: (1) the building is not used for human habitation; (2) All areas below the base flood or one-hundred-year frequency flood elevation shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the appropriate use criteria of Article III. In addition, all other requirements of Articles II, III and IV must be met; (3) the structure shall be anchored to prevent flotation; (4) service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation; (5) the building shall be valued at less than five thousand dollars and be less than five hundred square feet in floor size; (6) the building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses; (D) Non-conforming structures located in a regulatory floodway may remain in use, but may not be enlarged, replaced or structurally altered. A non-conforming structure damaged by flood, fire, wind or other natural or manmade disaster may be restored unless the damage exceeds fifty percent of its market value before it was damaged, in which case it shall conform to this chapter. (Ord. 90-4 §§ 1003.1-1003.4).

Article VI. Other Development Requirements

Flood Hazards to be Taken Into Account

The Board of Trustees shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development (Ord. 90-4 § 1100 (part).

Review of New Development Proposals

New subdivisions, annexation agreements, and planned unit developments (PUDS) within SFHA shall be reviewed to assure that the proposed developments are consistent with Articles II, III, IV and V and the need to minimize flood damage. Plats or plans for new subdivisions and planned unit developments (PUDS) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (III. Rev. State., Ch. 109, Sec. 2). 9Ord. 90-4 § 1100.1).

Proposals – Data Required

Proposals for new subdivisions, travel trailer parks, planned unit developments (PUDS) and additions to manufactured home parks and additions to subdivisions shall include base flood or one-hundred-year frequency flood elevation data and floodway delineations.

Where this information is not available form an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or one-hundred-year frequency flood elevation per Section 15.28.050 (D) and the floodway delineation per the definition in Section 15.28.020 and submitting it to the State Water Survey and DWR for review and approval as best available regulatory data (Ord. 90-4 § 1100.2).

Public Grounds

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds. (Ord. 90-4 § 1100.3)

Conformance with Chapter Required

The Board of Trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter (Ord. 90-4 § 1100.4)

Article VII. Variances - Liability - Penalty

No variances shall be granted to any development located in regulatory floodway as defined in Section 15.28.020. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. (B) No variance shall be granted unless the applicant demonstrates that: (1) the development activity cannot be located outside the SFHA; (2) an exceptional hardship would result if the variance were not granted; (3) the relief requested is the minimum necessary; (4) there will be no additional threat to public health, safety, beneficial stream uses and functions especially aquatic habitat, or creation of a nuisance; (5) there will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue of relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities; (6) the provisions of Sections 15.28.120 and 15.28.290 this chapter shall still be met; (7) the activity is not in a regulatory floodway; (8) the applicant's circumstances are unique and do not represent a general problem; and; (9) the granting of the variance will not alter the essential character of the area involved including existing stream uses; (C) the Village Engineer shall notify an applicant in writing that a variance from the requirements of Article V that would lessen the degree of protection to a building will: (1) result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; (2) increase the risks to life and property; and (3) require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability (D) Variances requested in connection with restoration of a site or building listed on the National Register of Historical Places or documented as worthy of preservation by the Illinois Historic Preservation Agency may be granted using criteria more permissive than the requirements of subsections B and C of this section. (Ord. 90-4 § 1200.0—1200.3).

Disclaimer of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur on flood heights may be increased by manmade or natural causes. This chapter does not imply that development, either inside or outside of eh SFHA, will be free from flooding or damage. This chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 90-4 § 1300.0).

Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the national Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program. (Ord. 90-4 § 1500.0).

Violation - Penalty

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the Village engineer may determine that a violation of the minimum standards of this chapter exist. The Village engineer shall notify the owner in writing of such violation. (B) if such owner fails after ten days notice to correct the violation: (1) The Village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter: (2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than fifty dollars or more than one thousand dollars for each offense; (3) a separate offense shall be deemed committed upon each day or on which a violation occurs or continues; (4) the Village may record a notice of violation on the title to the property. (C) The Village engineer shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended. (D) Nothing shall prevent the Village from taking such other lawful action to prevent or remedy any violations.

All costs connected therewith shall accrue to the person or persons responsible.(Ord. 90-4 §§ 1400.0 – 1400.3) (amended by Ordinance 09-8).

Division IV. ADMINISTRATION AND ENFORCEMENT CHAPTER 15.32

BUILDING PERMIT AND INSPECTION PROCEDURE

Sections:

Building permit required

Building permit application
Inspections
Violations and enforcement of code
Correction of violation
Continuation of violation
Stop work order – authority
Stop work order – duration
Building permit revocation – authority
Certificate of occupancy – issuance
Heating, Ventilation and Air Conditioning Equipment – Residential (Ord. 03-1)

15.32.010 Building Permit Required

A building permit is required prior to starting any construction, addition, removal, demolition or remodeling affecting structural integrity of any building or structure or its service equipment is valid for one year from date issued. Permits issued for demolition of structures is valid for a period not to exceed one hundred and twenty (120) days from the date of issuance. If the construction or demolition work is not completed within the specified time period, A new application for permit must be made to the building department and additional fees may be required. (Ord. 82-4 § 7 (B) and Ordinance #99-1).

Building Permit Application

The following procedure shall be followed in applying to the Village for a building permit. (A) Three copies of completed plans and specifications shall be submitted to the building department along with three prints of the site plan indicating

the exact location of the building or structure on the lot. The site plan shall include all easements, required building setbacks, lot dimensions, street name, north point, lot and block number, and subdivision name. When required by state statutes, plans shall include the seal and signature of an architect licensed by the State of Illinois.

(B) Plans which are reviewed and evaluated by the building department shall be approved based upon conformance to this title and all other Village ordinances. Plans reviewed by an outside code consultant shall be subject to a minimum fortyfive day approval requirement if such plans conform to code. (C) If the plans are found not to conform to Village codes and ordinances they will be returned to the contractor with a letter outlining the deficiencies. The plans and specifications must then be corrected in accordance with the indicated deficiencies and resubmitted per Subsection A of this section. A fee (see Chapter 15.36) shall be paid by the contractor at the time the drawings are resubmitted for review and approval. If the plans are in conformance, they will be approved by the building department official and the contractor will be notified of the fees due the Village. Approval of the plans does not relieve the contractor from the obligation to comply with all codes and ordinances of the Village. (D) Upon review and approval of plans by the building inspector and review and receipt of fees by the Village Clerk, the Village Clerk shall issue a building permit and a placard, which placard shall be posted in a conspicuous place on the building site. Construction shall not begin until the placard has been posted. (Ord. 89-7 §§ 2, 3, 4; Ord. 82-4 § 7 (C).

Inspections

Inspections will be made from time to time by the Village building inspector and in particular he will inspect the: (1) footings; (2) drain tile and waterproofing; (3) house service water piping and building sewer piping; (4) plumbing rough in; (5) electrical conduit; (6) framing and structural. It is unlawful to backfill, enclose or otherwise cover up such installations until inspection has been made. If installation has been covered up prior to inspection and approval, the contractor will be required to uncover the work at his own expense in order for the inspection to be performed. The contractor shall notify the building inspector at least twenty-four hours before one of the required inspections is needed. (Ord. 82-4 § 7 (D).

Violations and Enforcement of Code

The procedure in all cases of unauthorized deviations from, or violations of, the provisions of this title found on inspection by the building official or his authorized representative shall be as follows: A verbal notice shall be immediately served by the inspector at the site, and on the person or persons doing or in charge of the work being done, or responsible for or capable of correcting, or of causing to be corrected

the deviation or violation observed. If a verbal notice cannot be served on the site, or if served, is disregarded, or deemed inadequate by the inspector for the purpose, then a written notice, or forms prepared for the purpose and designating the deviation observed, shall be posted at the site, in as safe and conspicuous a place as practicable, and where the same must certainly come to the notice of any person or persons either employed on the work, or frequenting or occupying the building, structure or premises; and a copy of the notice so posted shall be mailed to the last known address of the owner, agent or person in control of the building or structure involved. (Ord. 82-4 § 7 (E).

Correction of Violation

If the verbal or written notice, either or both, are respected and steps are promptly taken to correct the deviation observed, and if such deviation is promptly corrected to the satisfaction of the inspector in charge and consistent with the requirements of this building code, then and for such case, the deviation observed shall not be deemed a willful violation of the building code nor be subject to any penalty therein provided. (Ord. 82-4 § 7 (F).

Continuation of Violation

In the event that a written notice of a deviation or violation observed from the provisions of this title has been posted and mailed, as aforesaid, and the work or condition continues in defiance thereof, or if the deviation, of whatever nature, is not promptly corrected in a manner consistent with the provisions of this title and the urgency of the case, then the deviation shall be considered a willful violation, and the inspector shall promptly issue and post a stop work order on the premises, and if needed, the building or structure shall be closed to the public. The facts pertaining to the case and any steps sop far taken therein shall next be reported in writing to the Village Police Chief who in turn shall forthwith proceed to enforce the provisions and penalties of the building code for an in such case provided. (Ord. 82-4 § 7 (G).

Stop Work Order - Authority

Building officials or inspectors are empowered and directed to stop work on any building, structure or portion thereof that is being done in a reckless, unsafe or unsanitary manner, or with the use of defective or improper materials; and on any building, structure or portion thereof, proposed for unlawful purposes regarding location, intended use or occupancy; and any work that in any other aspect is being done contrary to the provisions of this title or to the requirements of any other laws of the Village. This right and duty shall exist and be performed irrespective of any

permit that may or may not have been either required or issued for the work, building, structure, or any portion thereof, involved. (Ord. 82-4 § 7 (H).

Stop Work Order - Duration

The suspension of work shall be for such time as may be necessary to secure a correction of the particular violations and features complained of, or at least until a satisfactory agreement and arrangement approved of by the building official or inspectors is reached that such correction will be made; and if a court trial is had, then the work shall be suspended and held in abeyance until the court renders its decision. (Ord. 82-4 § 7 (I).

Building Permit Revocation – Authority

Any person, firm or corporation having charge of, directing, or in any way engaged in work that violates this title, who shall refuse or fail to promptly desist from such work on written notice from any building official; or who having desisted on either verbal or written notice shall resume the work before the violation which occasioned the order is corrected or agreed to be corrected satisfactory to the officer causing the work to be stopped and consistent with the purposes of this title; or who resumes work stopped by building official or inspector shall be deemed guilty of violating this title, and shall be subject to the general penalty provided therefore in this title. Permits for work being done n violation of this title may be canceled or revoked on order of the building official or inspector.

A permit once revoked cannot be restored and to resume further work shall require the obtaining of a permit for the original purpose. (Ord 82 –4 § 7 (J).

Certificate of Occupancy – Issuance

When all construction has been completed and final inspection and approval of the electrical, heating, sanitary and other features relating to the health and welfare of the occupants has been made by the inspector, the Village will issue a certificate of occupancy. No occupancy can take place without this permit (Ord. 82-4 § 7 (K).

15.32.010 Heating, Ventilation and Air Conditioning Equipment - Residential

A. New Equipment. After the effective date of this ordinance, all new heating, ventilation and air conditioning equipment, other than an individual window unit, shall be located in the rear yard of a residential property, behind the primary structure, at least 20 feet from any side yard property line, within

10 feet of the primary structure, and must comply with the screening requirements contained in Section 15.32.040. (Ordinance #03-1).

B. Existing Equipment. All heating, ventilation and air conditioning equipment installed prior to the effective date of this ordinance and located with the requirements of part (A) of this Section, may be maintained and replaced in that same location. (Ordinance #03-1).

CHAPTER 15.36 FEES, CHARGES AND BOND REQUIREMENTS

Sections: Fees and Charges

Cash Performance Bond

Contractor's Performance Bond

(fees amended by Ordinance #09-4)

Fees and Charges
Plan Review Fees \$275.00 (plus actual review costs)
Site Plan Review \$275.00 (plus actual review costs)
Building Plan Review (single-family) \$275.00
Plumbing Plan Review (single-family) \$275.00
Electrical Plan Review (single-family) \$275.00
Building Plan Review (commercial/multi-family) \$275.00

Plumbing Plan Review (commercial/multi-family)\$275.00 Electrical Plan Review (commercial/multi-family)\$275.00 New Generator, A/C or Ventilation Equipment \$50.00

Annual Contractor Licensing Fees (also set forth in Title 3 Revenue and Finance) Ord.09-4

Contractor/Carpentry \$40.00 Contractor/Cement/Concrete/Masonry \$40.00

^{*}Please note that all applicable fees (site plan reviews, inspections and individual permit fees) are included in the calculations for total permit fees prior to the issuance of a building permit.

^{*}A plan review deposit in the amount of \$275.00 is required at the time of application for a building permit. This amount is non-refundable and will be applied in the form of a credit counted towards total permit fees due at the time of issuance of a building permit. If additional reviews are needed for plans resubmitted for review, an additional fee for review will be required.

Contractor/Electrical Contractor/Excavating Contractor/General Contractor/Glazing Contractor/Insulating Contractor/Landscaping Contractor/Plastering Contractor/Painting & Decorating Contractor/Paving Contractor/Paving Contractor/Plumbing/Sewer Contractor/Roofing Contractor/Sheet Metal	\$40.00 \$50.00 \$75.00 \$40.00 \$40.00 \$40.00 \$40.00 \$50.00 \$40.00 \$40.00
Contractor/Roofing	\$40.00

Building Permit Fees

Residential Construction

New residential construction and remodeling fees shall be based upon the following:

One percent (1%) of total construction costs

Commercial Construction

New commercial construction and remodeling fees shall be based upon the following:

One percent (1%) of total construction costs

Single family construction values shall be based upon a minimum of seventy-five dollars per square foot. Multi-family and commercial values shall be based upon Village building inspector analysis. Construction contracts may be submitted to assist in establishing values.

Deck Fee	\$100.00	
Pool Fee	\$20.00 per \$1,000 value	
Electrical Service Permits	\$100.00	
Changes in Grade Permits	\$50.00	
Stand-by Generator Permits	\$50.00	
And new A/C units		

**A grading permit and engineering review is required prior to changing or altering the natural terrain or elevation of a property. Proposed plans for retaining wall structures, berms, above grade patios and other retaining structures must first be reviewed by the Village Engineer before the work proceeds. (Ordinance #99-2)

Occupancy Permit Fees. The occupancy fee shall be as follows:

Single Family Residence/Commercial per unit \$100.00

Demolition Fees \$1,500.00

(buildings/structures)

Engineering Fees. Site engineering and grading reviews are performed by the Village Engineer. All costs incurred during such review shall be fully reimbursed by the permittee prior to issuance of any occupancy permit.

Penalty for Non-Permitted Work. Any construction which begins prior to the issuance of a required building permit shall be assessed in an additional fee in the amount of 100 percent of the calculated permit fee.

Water and Sewer Connection Fees. Refer to Chapter 13.08 for water and sewer connection fees. (Ord. 90-28 § 1; Ord. 82-4 § 8 (B).

Cash Performance Bond

A requirement for the issuance of a building permit where the construction done thereunder will require the use of heavy construction equipment, including, but not limited to, trucks, bulldozers, backhoes, ditch diggers, etc. shall be the deposit by the authorized agent whose signature appears on the application for building permit with the Village Clerk, of a cash performance bond of \$1,000.00. A separate performance bond of three thousand dollars will be required for each building permit, except that a single contractor engaged in the construction of more than ten buildings will not be required to post bond in excess of three thousand dollars. (B) such performance bond shall be for the purpose of insuring against damage to property of the Village by the general contractor of any sub-contractor or employee that he may engage to perform work under the building permit. Damage to Village property shall include, but is not limited to accumulation of dirt, gravel, sand, etc., on street pavement, damage to street surface (including damage resulting from overloaded vehicles), curbs, water mains, fire hydrants, sewer lines, etc. (C) If and when such damage has occurred, the authorized agent shall be notified in writing and shall be requested to make the

necessary repairs. (D). If such repair has not been completed within two working days following the receipt of written notice, the Village shall make such repairs, payment for which shall be made from the performance bond. (E) upon completion of all work under the building permit and the issuance of a certificate of occupancy, the performance bond, either the full amount or the amount remaining, shall be refunded to the authorized agent. (Ord. 82-4 § 8 (C)

Upon completion of a project under a valid permit, the remaining cash performance bond balance on file with the Village of Indian Head Park will be refunded minus any additional re-inspection fees or engineering which will be deducted from the performance bond.

Contractor's Performance Bond

Prior to the issuance of a building permit, the building contractor shall file with the Village Clerk a Certificate of Insurance to cover the full cost of contract, whichever is the larger sum, such bond being payable to the owner of the building on which the work is to be performed, to indemnify any such person for damages sustained on account of the failure of the building contractor to perform the work so contracted for, in accordance with the provisions and requirements of the Village relating to the installation of building work. (Ord. 82-4 § 8 (D).

CHAPTER 15.40 VIOLATION – PENALTY

Sections:

15.40.10 Violation – Penalty

Any person, firm or corporation who shall violate any provisions of the B.O.C.A. Basic or National Electrical Codes as adopted by this code or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of any approved plan or direction of the building official, inspector, or of any permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine or not less than one hundred dollars nor more than five hundred dollars in the case of t a first offense, and by a fine of not less than five hundred dollars nor more than one thousand dollars for each and every subsequent offense. Each day that a violation continues shall be deemed a separate offense. (Ord. 82-8 § 2; Ord. 83-16 § Ord. 82-4 § 9.